

Status: Point in time view as at 22/11/2000. This version of this schedule contains provisions that are not valid for this point in time.

Changes to legislation: Terrorism Act 2000, SCHEDULE 6 is up to date with all changes known to be in force on or before 21 March 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 6

Section 38.

FINANCIAL INFORMATION

VALID FROM 19/02/2001

Orders

- 1
- (1) Where an order has been made under this paragraph in relation to a terrorist investigation, a constable named in the order may require a financial institution to provide customer information for the purposes of the investigation.
 - (2) The information shall be provided—
 - (a) in such manner and within such time as the constable may specify, and
 - (b) notwithstanding any restriction on the disclosure of information imposed by statute or otherwise.
 - (3) An institution which fails to comply with a requirement under this paragraph shall be guilty of an offence.
 - (4) It is a defence for an institution charged with an offence under sub-paragraph (3) to prove—
 - (a) that the information required was not in the institution's possession, or
 - (b) that it was not reasonably practicable for the institution to comply with the requirement.
 - (5) An institution guilty of an offence under sub-paragraph (3) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Procedure

VALID FROM 19/02/2001

- 2
- An order under paragraph 1 may be made only on the application of—
- (a) in England and Wales or Northern Ireland, a police officer of at least the rank of superintendent, or
 - (b) in Scotland, the procurator fiscal.

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- 3 An order under paragraph 1 may be made only by—
- (a) in England and Wales, a Circuit judge,
 - (b) in Scotland, the sheriff, or
 - (c) in Northern Ireland, a county court judge.

- 4 (1) Crown Court Rules may make provision about the procedure for an application under paragraph 1.
- (2) The High Court of Justiciary may, by Act of Adjournal, make provision about the procedure for an application under paragraph 1.

VALID FROM 19/02/2001

Criteria for making order

- 5 An order under paragraph 1 may be made only if the person making it is satisfied that—
- (a) the order is sought for the purposes of a terrorist investigation,
 - (b) the tracing of terrorist property is desirable for the purposes of the investigation, and
 - (c) the order will enhance the effectiveness of the investigation.

Financial institution

- 6 (1) In this Schedule “financial institution” means—
- (a) a person who carries on a business of taking deposits for which he is authorised under the ^{M1}Banking Act 1987,
 - (b) a building society (within the meaning of the ^{M2}Building Societies Act 1986),
 - (c) a credit union (within the meaning of the ^{M3}Credit Unions Act 1979 or the ^{M4}Credit Unions (Northern Ireland) Order 1985),
 - (d) a person carrying on investment business within the meaning of the ^{M5}Financial Services Act 1986,
 - (e) the National Savings Bank,
 - (f) a person who carries out an activity for the purposes of raising money authorised to be raised under the ^{M6}National Loans Act 1968 under the auspices of the Director of National Savings,
 - (g) a European institution carrying on a home regulated activity (within the meaning of [^{F1}Directive 2000/12/EC of the European Parliament and of the Council] relating to the taking up and pursuit of the business of credit institutions),

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- (h) a person carrying out an activity specified in any of points 1 to 12 and 14 of [F2Annex 1] to that Directive, and
 - (i) a person who carries on an insurance business in accordance with an authorisation pursuant to Article 6 or 27 of the First Council Directive on the coordination of laws, regulations and administrative provisions relating to the taking up and pursuit of the business of direct life assurance.
- (2) The Secretary of State may by order provide for a class of person—
- (a) to be a financial institution for the purposes of this Schedule, or
 - (b) to cease to be a financial institution for the purposes of this Schedule.
- (3) An institution which ceases to be a financial institution for the purposes of this Schedule (whether by virtue of sub-paragraph (2)(b) or otherwise) shall continue to be treated as a financial institution for the purposes of any requirement under paragraph 1 to provide customer information which relates to a time when the institution was a financial institution.

Textual Amendments

- F1 Words in Sch. 6 para. 6(1)(g) substituted (22.11.2000) by S.I. 2000/2952, reg. 9(a)
- F2 Words in Sch. 6 para. 6(1)(h) substituted (22.11.2000) by S.I. 2000/2952, reg. 9(b)

Commencement Information

- I1 Sch. 6 wholly in force at 19.2.2001; Sch. 6 not in force at Royal Assent see s. 128; Sch. 6 para. 6(2) in force at 31.10.2000 by S.I. 2000/2944, art. 2(j)(ii); Sch. 6 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

Marginal Citations

- M1 1987 c. 22.
- M2 1986 c. 53.
- M3 1979 c. 34.
- M4 S.I. 1985/1205 (N.I.12).
- M5 1986 c. 60.
- M6 1968 c. 13.

Customer information

- 7 (1) In this Schedule “customer information” means (subject to sub-paragraph (3))—
- (a) information whether a business relationship exists or existed between a financial institution and a particular person (“a customer”),
 - (b) a customer’s account number,
 - (c) a customer’s full name,
 - (d) a customer’s date of birth,
 - (e) a customer’s address or former address,
 - (f) the date on which a business relationship between a financial institution and a customer begins or ends,
 - (g) any evidence of a customer’s identity obtained by a financial institution in pursuance of or for the purposes of any legislation relating to money laundering, and
 - (h) the identity of a person sharing an account with a customer.

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- (2) For the purposes of this Schedule there is a business relationship between a financial institution and a person if (and only if)—
- (a) there is an arrangement between them designed to facilitate the carrying out of frequent or regular transactions between them, and
 - (b) the total amount of payments to be made in the course of the arrangement is neither known nor capable of being ascertained when the arrangement is made.
- (3) The Secretary of State may by order provide for a class of information—
- (a) to be customer information for the purposes of this Schedule, or
 - (b) to cease to be customer information for the purposes of this Schedule.

Commencement Information

- I2** Sch. 6 wholly in force at 19.2.2001; Sch. 6 not in force at Royal Assent see s. 128; Sch. 6 para. 7(3) in force at 31.10.2000 by [S.I. 2000/2944](#), [art. 2\(j\)\(iii\)](#); Sch 6 para. 7 in force at 19.2.2001 in so far as not already in force by [S.I. 2001/421](#), [art. 2](#)

VALID FROM 19/02/2001

Offence by body corporate, &c.

- 8 (1) This paragraph applies where an offence under paragraph 1(3) is committed by an institution and it is proved that the offence—
- (a) was committed with the consent or connivance of an officer of the institution, or
 - (b) was attributable to neglect on the part of an officer of the institution.
- (2) The officer, as well as the institution, shall be guilty of the offence.
- (3) Where an individual is convicted of an offence under paragraph 1(3) by virtue of this paragraph, he shall be liable on summary conviction to—
- (a) imprisonment for a term not exceeding six months,
 - (b) a fine not exceeding level 5 on the standard scale, or
 - (c) both.
- (4) In the case of an institution which is a body corporate, in this paragraph “officer” includes—
- (a) a director, manager or secretary,
 - (b) a person purporting to act as a director, manager or secretary, and
 - (c) if the affairs of the body are managed by its members, a member.
- (5) In the case of an institution which is a partnership, in this paragraph “officer” means a partner.
- (6) In the case of an institution which is an unincorporated association (other than a partnership), in this paragraph “officer” means a person concerned in the management or control of the association.

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Self-incrimination

- 9 (1) Customer information provided by a financial institution under this Schedule shall not be admissible in evidence in criminal proceedings against the institution or any of its officers or employees.
- (2) Sub-paragraph (1) shall not apply in relation to proceedings for an offence under paragraph 1(3) (including proceedings brought by virtue of paragraph 8).

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