

Status: Point in time view as at 26/04/2024.

Changes to legislation: Terrorism Act 2000, SCHEDULE 6 is up to date with all changes known to be in force on or before 17 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 6

Section 38.

FINANCIAL INFORMATION

Orders

- 1 (1) Where an order has been made under this paragraph in relation to a terrorist investigation, a constable [^{F1}or counter-terrorism financial investigator] named in the order may require a financial institution [^{F2}to which the order applies]to provide customer information for the purposes of the investigation.
- [^{F3}(1A) The order may provide that it applies to—
- (a) all financial institutions,
 - (b) a particular description, or particular descriptions, of financial institutions, or
 - (c) a particular financial institution or particular financial institutions.]
- (2) The information shall be provided—
- (a) in such manner and within such time as the constable [^{F4}or counter-terrorism financial investigator] 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.

Textual Amendments

- F1** Words in Sch. 6 para. 1(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 41(4)(a)**, 58(4)(6)
- F2** Words in Sch. 6 para. 1(1) inserted (20.12.2001) by [2001 c. 24, s. 3](#), **Sch. 2 Pt. 4 para. 6(2)**; [S.I. 2001/4019](#), **art. 2(1)(c)**
- F3** Sch. 6 para. 1(1A) inserted (20.12.2001) by [2001 c. 24, s. 3](#), **Sch. 2 Pt. 4 para. 6(3)**; [S.I. 2001/4019](#), **art. 2(1)(c)**
- F4** Words in Sch. 6 para. 1(2)(a) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 41(4)(b)**, 58(4)(6)

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Modifications etc. (not altering text)

- C1** Sch. 6 para. 1(2)(b) 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, **22(4)** (with art. 22(1))
- C2** Sch. 6 para. 1(2)(b) 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, **34(4)** (with art. 34(1))
- C3** Sch. 6 para. 1(2)(b) 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, **10(4)** (with art. 10(1))
- C4** Sch. 6 para. 1(2)(b) 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, **21(4)** (with art. 21(1))
- C5** Sch. 6 para. 1(2)(b) 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, **33(4)** (with art. 33(1))
- C6** Sch. 6 para. 1(2)(b) 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, **9(4)** (with art. 9(1))

Procedure

- 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.
- 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 [^{F5}Crown Court judge].

Textual Amendments

- F5** Words in Sch. 6 para. 3(c) substituted (7.7.2002) by 2001 c. 24, ss. **121(4)**; S.I. 2002/1558, art. 2

- 4 (1) [^{F6}Criminal Procedure 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.
- [^{F7}(3) Crown Court Rules may make provision about the procedure for an application under paragraph 1.]

Textual Amendments

- F6** Words in Sch. 6 para. 4(1) substituted (1.9.2004 subject to saving in art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. **390(2)**; S.I. 2004/2066, art. 2
- F7** Sch. 6 para. 4(3) inserted (1.9.2004 subject to saving in art. 3 of the commencing S.I.) by Courts Act 2003 (c. 39), s. 109(1), Sch. 8 para. **390(3)**; S.I. 2004/2066, art. 2

Criteria for making order

- 5 An order under paragraph 1 may be made only if the person making it is satisfied that—

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- (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—
- ^{F8}(a) a person who has permission under [^{F9}Part 4A] of the Financial Services and Markets Act 2000 to accept deposits,]
 - ^{F10}(b)
 - (c) a credit union (within the meaning of the ^{M1}Credit Unions Act 1979 or the ^{M2}Credit Unions (Northern Ireland) Order 1985),
 - ^{F11}(d) a person carrying on a relevant regulated activity,]
 - (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 ^{M3}National Loans Act 1968 under the auspices of the Director of National Savings,
 - ^{F12}(g)
 - (h) a person carrying out an activity specified in [^{F13}the points in Schedule 2 to the Money Laundering, Terrorist Financing and Transfer of Funds (Information on the Payer) Regulations 2017], , ^{F14}...
 - ^{F15}(ha) an electronic money institution within the meaning of the Electronic Money Regulations 2011 (S.I. 2011/99) (see regulation 2(1)), ^{F16}...
 - (i) an authorised person (within the meaning of section 31 of the Financial Services and Markets Act 2000) who has permission under Part 4A of that Act to carry out or effect contracts of insurance, when carrying out or effecting any contract of long-term insurance.]
 - ^{F17}(j) a cryptoasset exchange provider, and
 - (k) a custodian wallet provider.]
- ^{F18}(1A) For the purposes of sub-paragraph (1)(d), a relevant regulated activity means—
- (a) dealing in investments as principal or as agent,
 - (b) arranging deals in investments,
 - [operating a multilateral trading facility,]
 - ^{F19}(ba)
 - [operating an organised trading facility,]
 - ^{F20}(bb)
 - (c) managing investments,
 - (d) safeguarding and administering investments,
 - (e) sending dematerialised instructions,
 - [managing a UCITS,
 - ^{F21}(ea)
 - (eb) acting as trustee or depositary of a UCITS,
 - (ec) managing an AIF,
 - (ed) acting as trustee or depositary of an AIF,]
 - (f) establishing etc. collective investment schemes,

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(g) advising on investments.

[For the purposes of sub-paragraph (1)(i), “contract of long-term insurance” means ^{F22}(1AA) any contract falling within Part 2 of Schedule 1 to the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. 2001/544).]

[For the purposes of sub-paragraph (1)(j), “cryptoasset exchange provider” means ^{F23}(1AB) a firm or sole practitioner who by way of business provides one or more of the following services, including where the firm or sole practitioner does so as creator or issuer of any of the cryptoassets involved—

- (a) exchanging or arranging or making arrangements with a view to the exchange of, cryptoassets for money or money for cryptoassets,
- (b) exchanging, or arranging or making arrangements with a view to the exchange of, one cryptoasset for another, or
- (c) operating a machine which utilises automated processes to exchange cryptoassets for money or money for cryptoassets.

(1AC) For the purposes of sub-paragraph (1)(k), “custodian wallet provider” means a firm or sole practitioner who by way of business provides services to safeguard, or to safeguard and administer—

- (a) cryptoassets on behalf of its customers, or
- (b) private cryptographic keys on behalf of its customers in order to hold, store and transfer cryptoassets.

(1AD) For the purposes of sub-paragraphs (1AB) and (1AC), “cryptoasset” means a cryptographically secured digital representation of value or contractual rights that uses a form of distributed ledger technology and can be transferred, stored or traded electronically.

(1AE) For the purposes of sub-paragraph (1AB)—

- (a) “cryptoasset” includes a right to, or interest in, the cryptoasset;
- (b) “money” means—
 - (i) money in sterling,
 - (ii) money in any other currency, or
 - (iii) money in any other medium of exchange,

but does not include a cryptoasset.

(1AF) The Secretary of State may by regulations amend the definitions in sub-paragraphs (1AB) to (1AE).”]

(1B) Sub-paragraphs (1)(a) and (1A) must be read with—

- (a) section 22 of the Financial Services and Markets Act 2000;
- (b) any relevant order under that section; and
- (c) Schedule 2 to that Act.]

(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

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paragraph 1 to provide customer information which relates to a time when the institution was a financial institution.

Textual Amendments

- F8** Sch. 6 para. 6(1)(a) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 361(2)(a)**
- F9** Words in Sch. 6 para. 6(1)(a) substituted (1.4.2013) by Financial Services Act 2012 (c. 21), s. 122(3), **Sch. 18 para. 87(3)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F10** Sch. 6 para. 6(1)(b) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1, 361(2)(b)**
- F11** Sch. 6 para. 6(1)(d) substituted (1.12.2001) by S.I. 2001/3649, **arts. 1, 361(2)(c)**
- F12** Sch. 6 para. 6(1)(g) omitted (17.8.2022) by virtue of The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **4(3)(a)** (with regs. 24-26)
- F13** Words in Sch. 6 para. 6(1)(h) substituted (17.8.2022) by The Financial Services Act 2021 (Prudential Regulation of Credit Institutions and Investment Firms) (Consequential Amendments and Miscellaneous Provisions) Regulations 2022 (S.I. 2022/838), regs. 1(2), **4(3)(b)** (with regs. 24-26)
- F14** Word in Sch. 6 para. 6(1)(h) omitted (9.2.2011 for specified purposes, 30.4.2011 in so far as not already in force) by virtue of The Electronic Money Regulations 2011 (S.I. 2011/99), reg. 1(2), **Sch. 4 para. 3(b)(ii)**
- F15** Sch. 6 para. 6(1)(ha)(i) substituted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(7)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in Sch. 6 para. 6(1) omitted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by virtue of Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(a)(i)**; S.I. 2024/269, reg. 4(c)
- F17** Sch. 6 para. 6(1)(j)(k) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(a)(ii)**; S.I. 2024/269, reg. 4(c)
- F18** Sch. 6 para 6(1A)(1B) inserted (1.12.2001) by S.I. 2001/3649, **arts. 1, 361(3)**
- F19** Sch. 6 para. 6(1A)(ba) inserted (1.4.2007 for certain purposes and otherwise 1.11.2007) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment No. 3) Order 2006 (S.I. 2006/3384), **art. 33**
- F20** Sch. 6 para. 6(1A)(bb) inserted (1.4.2017 for specified purposes, 3.1.2018 in so far as not already in force) by The Financial Services and Markets Act 2000 (Regulated Activities) (Amendment) Order 2017 (S.I. 2017/488), art. 1(2), **Sch. para. 3**
- F21** Sch. 6 para. 6(1A)(ea)-(ed) inserted (22.7.2013) by The Alternative Investment Fund Managers Regulations 2013 (S.I. 2013/1773), reg. 1, **Sch. 1 para. 41**
- F22** Sch. 6 para. 6(1AA) inserted (31.12.2020) by The Law Enforcement and Security (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/742), regs. 1, **5(7)(b)**; 2020 c. 1, Sch. 5 para. 1(1)
- F23** Sch. 6 para. 6(1AB)-(1AF) inserted (26.10.2023 for specified purposes, 26.4.2024 in so far as not already in force) by Economic Crime and Corporate Transparency Act 2023 (c. 56), s. 219(1)(2)(b), **Sch. 10 para. 7(b)**; S.I. 2024/269, reg. 4(c)

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** 1979 c. 34.
M2 S.I. 1985/1205 (N.I.12).
M3 1968 c. 13.

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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.
- (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](#)

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.

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- (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.

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).

Modifications etc. (not altering text)

- C7** Sch. 6 para. 9 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, **10(3)** (with art. 10(1))
- C8** Sch. 6 para. 9 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, **34(3)** (with art. 34(1))
- C9** Sch. 6 para. 9 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, **22(3)** (with art. 22(1))
- C10** Sch. 6 para. 9 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, **21(3)** (with art. 21(1))
- C11** Sch. 6 para. 9 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, **9(3)** (with art. 9(1))
- C12** Sch. 6 para. 9 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, **33(3)** (with art. 33(1))

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