

These notes refer to the Anti-terrorism, Crime and Security Act 2001 (c.24) which received Royal Assent on 14th December 2001

ANTI-TERRORISM, CRIME AND SECURITY ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 2 Terrorist Finance

Part 2 Restraint orders

361. At present, the Terrorism Act contains a provision enabling the High Court to make a restraint order, freezing assets, to prevent someone accused of an offence under sections 15 to 18 of the Terrorism Act from selling his property in order to avoid forfeiture.
362. The Act makes a fundamental change to this scheme. The point at which a restraint order may be made is brought forward to any time after an investigation has been started (at present, although a restraint order may be made at the investigative stage, it is only possible to do so where charges are anticipated). This will reduce the risks that funds will be dissipated or used for terrorism before a decision has been made on whether to institute criminal proceedings .
363. [Paragraph 2, subparagraph \(2\)](#) allows the High Court to make a restraint order where a criminal investigation has commenced into a suspected offence under any of sections 15 to 18 of the Terrorism Act. Because at an early stage of a criminal investigation, there are no proposed proceedings, the references to proposed proceedings have been changed to any proceedings for the offences under investigation.