

Status: Point in time view as at 28/03/2009.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Cross Heading: General exceptions. (See end of Document for details)

SCHEDULES

SCHEDULE 1

FORFEITURE OF TERRORIST CASH

PART 5

PROPERTY EARMARKED AS TERRORIST PROPERTY

General exceptions

- 16 (1) If—
- (a) a person disposes of property earmarked as terrorist property, and
 - (b) the person who obtains it on the disposal does so in good faith, for value and without notice that it was earmarked,
- the property may not be followed into that person's hands and, accordingly, it ceases to be earmarked.
- (2) If—
- (a) in pursuance of a judgment in civil proceedings (whether in the United Kingdom or elsewhere), the defendant makes a payment to the claimant or the claimant otherwise obtains property from the defendant,
 - (b) the claimant's claim is based on the defendant's criminal conduct, and
 - (c) apart from this sub-paragraph, the sum received, or the property obtained, by the claimant would be earmarked as terrorist property,
- the property ceases to be earmarked.
- In relation to Scotland, "claimant" and "defendant" are to be read as "pursuer" and "defender"; and, in relation to Northern Ireland, "claimant" is to be read as "plaintiff".
- (3) If—
- (a) a payment is made to a person in pursuance of a compensation order under Article 14 of the Criminal Justice (Northern Ireland) Order 1994 (S.I. 1994/2795 (N.I. 15)), section 249 of the Criminal Procedure (Scotland) Act 1995 (c. 46) or section 130 of the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6), [^{F1}or in pursuance of a service compensation order under the Armed Forces Act 2006,] and
 - (b) apart from this sub-paragraph, the sum received would be earmarked as terrorist property,
- the property ceases to be earmarked.
- (4) If—
- (a) a payment is made to a person in pursuance of a restitution order under section 27 of the Theft Act (Northern Ireland) 1969 (c.16 (NI)) or

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section 148(2) of the Powers of Criminal Courts (Sentencing) Act 2000 or a person otherwise obtains any property in pursuance of such an order, and

- (b) apart from this sub-paragraph, the sum received, or the property obtained, would be earmarked as terrorist property,

the property ceases to be earmarked.

(5) If—

- (a) in pursuance of an order made by the court under section 382(3) or 383(5) of the Financial Services and Markets Act 2000 (c. 8) (restitution orders), an amount is paid to or distributed among any persons in accordance with the court's directions, and

- (b) apart from this sub-paragraph, the sum received by them would be earmarked as terrorist property,

the property ceases to be earmarked.

(6) If—

- (a) in pursuance of a requirement of the Financial Services Authority under section 384(5) of the Financial Services and Markets Act 2000 (c. 8) (power of authority to require restitution), an amount is paid to or distributed among any persons, and

- (b) apart from this sub-paragraph, the sum received by them would be earmarked as terrorist property,

the property ceases to be earmarked.

(7) Where—

- (a) a person enters into a transaction to which paragraph 13(2) applies, and
 (b) the disposal is one to which sub-paragraph (1) applies,

this paragraph does not affect the question whether (by virtue of paragraph 13(2)) any property obtained on the transaction in place of the property disposed of is earmarked.

Textual Amendments

- F1** Words in Sch. 1 para. 16(3)(a) inserted (28.3.2009 for specified purposes, 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 196](#); [S.I. 2009/812](#), art. 3(a)
 (b) (with transitional provisions in [S.I. 2009/1059](#)); [S.I. 2009/1167](#), art. 4

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