

SCHEDULES

SCHEDULE 16

Section 88

DAMAGES AT RISK OF BEING USED FOR THE PURPOSES OF TERRORISM

Freezing orders

- 1 (1) [This Schedule](#) applies in relation to civil proceedings where the claimant claims damages in those proceedings.
- (2) The court seised of those proceedings may, on the application of a Minister of the Crown, make a freezing order under [this paragraph](#).
- (3) A freezing order, in relation to an order made by the court awarding damages in favour of the claimant, is an order that all or part of the damages awarded—
 - (a) are to be paid into court, and
 - (b) are to remain in court until the end of the initial freezing period.
- (4) A court may not make a freezing order unless satisfied that, if damages are paid to the claimant, there is a real risk that those damages will be used for the purposes of terrorism.
- (5) An application for a freezing order may be made at any time until there is no further possibility of an appeal on which the order awarding damages in favour of the claimant may be varied or quashed.
- (6) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of [sub-paragraph \(5\)](#).
- (7) Where the court makes an order awarding damages in favour of the claimant, the court may suspend the effect of that order until it decides the application for a freezing order.
- (8) In [this paragraph](#)—
 - “civil proceedings” means any proceedings other than proceedings in a criminal cause or matter or family proceedings;
 - “family proceedings”—
 - (a) in relation to England and Wales, has the meaning given by section 75(3) of the Courts Act 2003;
 - (b) in relation to Northern Ireland, has the meaning given by Article 12(5) of the Family Law (Northern Ireland) Order 1993 ([S.I. 1993/1576 \(N.I. 6\)](#));
 - (c) in relation to Scotland, has the meaning given by section 135 of the [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#) and includes proceedings under the Children (Scotland) Act 1995 and the [Children’s Hearings \(Scotland\) Act 2011 \(asp 1\)](#);

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“the initial freezing period” is the period of 2 years beginning with the day on which the freezing order is made.

Extension of freezing order

- 2 (1) [This paragraph](#) applies where a court has made a freezing order under [paragraph 1](#).
- (2) The court may, on the application of a Minister of the Crown, make an extension order under [this paragraph](#).
- (3) An extension order is an order that all or part of the damages paid into court pursuant to a freezing order are to remain in court until the end of the period of 4 years beginning with the day on which the freezing order was made (“the extended freezing period”).
- (4) A court may not make an extension order unless satisfied that, if the damages to which the extension order relates are paid to the claimant at the end of the initial freezing period (or, if later, when the court decides the application), there is a real risk that those damages will be used for the purposes of terrorism.
- (5) An application for an extension order must be made before the end of the initial freezing period.
- (6) [Sub-paragraph \(7\)](#) applies where—
 - (a) an application is made under [this paragraph](#), and
 - (b) the court has not decided the application before the end of the initial freezing period.
- (7) The damages to which the application relates are to remain in court until the court decides the application.

Forfeiture

- 3 (1) [This paragraph](#) applies where a court has made an extension order under [paragraph 2](#).
- (2) The court may, on the application of a Minister of the Crown, order that all or part of the damages in court by virtue of the extension order are to be forfeited (a “forfeiture order”).
- (3) The court may not make a forfeiture order unless satisfied that, if the damages to which the forfeiture order relates are paid to the claimant at the end of the extended freezing period (or, if later, when the court decides the application), there is a real risk that those damages will be used for the purposes of terrorism.
- (4) Damages forfeited pursuant to a forfeiture order, and any accrued interest on those damages, are to be paid into the Consolidated Fund when there is no further possibility of an appeal on which the forfeiture order may be varied or quashed.
- (5) Any power to extend the time for giving notice of application for leave to appeal, or for applying for leave to appeal, must be ignored for the purposes of [sub-paragraph \(4\)](#).
- (6) An application for a forfeiture order must be made before the end of the extended freezing period.
- (7) [Sub-paragraph \(8\)](#) applies where—

Status: This is the original version (as it was originally enacted).

- (a) an application is made under [this paragraph](#), and
 - (b) the court has not decided the application before the end of the extended freezing period.
- (8) The damages to which the application relates are to remain in court until the court decides the application.

Interpretation

- 4 In [this Schedule](#)—
- “the claimant” means the claimant in proceedings mentioned in [paragraph 1\(1\)](#);
 - “the extended freezing period” has the meaning given by [paragraph 2\(3\)](#);
 - “extension order” has the meaning given by [paragraph 2\(3\)](#);
 - “freezing order” has the meaning given by [paragraph 1\(3\)](#);
 - “the initial freezing period” has the meaning given by [paragraph 1\(8\)](#);
 - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 and also includes the Commissioners for His Majesty’s Revenue and Customs;
 - “terrorism” has the same meaning as in the Terrorism Act 2000.
- 5 (1) In the application of [this Schedule](#) to Northern Ireland, a reference to a claimant is to be read as a reference to a plaintiff.
- (2) In the application of [this Schedule](#) to Scotland, a reference to a claimant is to be read as a reference to a pursuer or, as the case may be, a plaintiff.