



# Economic Crime and Corporate Transparency Act 2023

## 2023 CHAPTER 56

### PART 5

#### MISCELLANEOUS

##### *Money laundering and terrorist financing*

#### **186 Terrorist financing: information orders**

- (1) Section 22B of the Terrorism Act 2000 (further information orders) is amended in accordance with subsections (2) to (12).
- (2) In the heading for “Further information” substitute “Information”.
- (3) In subsection (1) for “a further” substitute “an”.
- (4) After subsection (1) insert—
  - “(1A) A magistrates’ court or (in Scotland) the sheriff may, on an application made—
    - (a) in the case of a magistrates’ court, by the Director General of the National Crime Agency or an authorised NCA officer, and
    - (b) in the case of the sheriff, by a procurator fiscal,make an information order if satisfied that either condition 3 or condition 4 is met.”
- (5) In subsection (3) for “A further” substitute “An”.
- (6) In subsection (4) for “a further” substitute “an”.
- (7) In subsection (5) for “a further” substitute “an”.
- (8) After subsection (6) insert—

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“(6A) Condition 3 for the making of an information order is met if—

- (a) the information would assist an authorised NCA officer to conduct—
  - (i) operational analysis of information that is relevant to terrorist financing or suspected terrorist financing, or
  - (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systemic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing,
 for the purposes of the criminal intelligence function of the National Crime Agency so far as it relates to terrorist financing,
- (b) the respondent is a person carrying on a business in the regulated sector,
- (c) where the application for the order is made to a magistrates’ court, the person making the application has had regard to the code of practice under section 22F,
- (d) where the application for the order is made to the sheriff—
  - (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
  - (ii) the person making that request has had regard to the code of practice under section 22F, and
- (e) it is reasonable in all the circumstances for the information to be provided.

(6B) Condition 4 for the making of an information order is met if—

- (a) a request has been made by a foreign FIU to the National Crime Agency for the provision of the information required to be given under the order,
- (b) an authorised NCA officer has reasonable grounds to believe that the request was made only for the purpose of assisting the foreign FIU to conduct one or both of the following—
  - (i) operational analysis of information that is relevant to terrorist financing or suspected terrorist financing, or
  - (ii) strategic analysis identifying trends or patterns in the conduct of terrorist financing, or systematic deficiencies or vulnerabilities which have been, are being or are likely to be, exploited for the purposes of terrorist financing,
 and that the information is likely to be of substantial value to the foreign FIU in carrying out such analysis,
- (c) the provision of the information by the National Crime Agency to the foreign FIU would be for the purposes of the criminal intelligence function of the National Crime Agency, so far as it relates to terrorist financing,
- (d) the respondent is a person carrying on a business in the regulated sector,
- (e) where the application for the order is made to a magistrates’ court, the person making the application has had regard to the code of practice under section 22F,
- (f) where the application for the order is made to the sheriff—

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- (i) the application is made by a procurator fiscal at the request of the Director General of the National Crime Agency or an authorised NCA officer, and
  - (ii) the person making that request has had regard to the code of practice under section 22F, and
- (g) it is reasonable in all the circumstances for the information to be provided.”
- (9) In subsection (7) for “A further” substitute “An”.
- (10) In subsection (8) for “a further” substitute “an”.
- (11) In subsection (12), after “this section” insert “in reliance on Condition 1 or 2”.
- (12) In subsection (14), at the appropriate places, insert—
  - ““authorised NCA officer” means an officer of the National Crime Agency authorised by the Director General (whether generally or specifically) for the purposes of this section;”;
  - ““the criminal intelligence function” has the meaning given by section 1(5) of the Crime and Courts Act 2013;”;
  - ““foreign FIU” means a body in a foreign country carrying out the functions of a financial intelligence unit within the meaning of Recommendation 29 of the Financial Action Task Force (as that Recommendation has effect from time to time);”;
  - ““terrorist financing” means—
    - (a) for the purposes of subsection (6A), an act which constitutes an offence under any of sections 15 to 18;
    - (b) for the purposes of subsection (6B), an act which constitutes a corresponding terrorist financing offence.”
- (13) After section 22E of the Terrorism Act 2000 insert—

#### **“22F Code of practice about certain information orders**

- (1) The Secretary of State must make a code of practice in connection with the exercise of the following functions by the Director General of the National Crime Agency or an authorised NCA officer—
  - (a) the making of an application to the magistrates’ court for an information order under section 22B(1A) (information orders made in reliance on Condition 3 or 4 in section 22B being met);
  - (b) the making of a request to a procurator fiscal for the procurator fiscal to apply for an information order under section 22B(1A).
- (2) Where the Secretary of State proposes to issue a code of practice the Secretary of State must—
  - (a) publish a draft,
  - (b) consider any representations made about the draft, and
  - (c) if the Secretary of State thinks appropriate, modify the draft in the light of any such representations.
- (3) A requirement in paragraph (a), (b) or (c) of subsection (2) may be satisfied by the carrying out of the action required by the paragraph in question before this section comes into force.

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- (4) The Secretary of State must lay a draft of the code before Parliament.
  - (5) When the Secretary of State has laid a draft of the code before Parliament the Secretary of State may bring it into operation by regulations.
  - (6) The Secretary of State may revise the whole or any part of the code and issue the code as revised; and subsections (2) to (5) apply to a revised code as they apply to the original code.
  - (7) A failure by a person to comply with a provision of the code does not of itself make the person liable to criminal or civil proceedings.
  - (8) The code is admissible in evidence in criminal or civil proceedings and is to be taken into account by a court or tribunal in any case in which it appears to the court or tribunal to be relevant.
  - (9) A code of practice made under this section may be combined with a code of practice under section 339ZL of the Proceeds of Crime Act 2002 (code of practice relating to certain information orders under section 339ZH of that Act).
  - (10) In this section “authorised NCA officer” has the meaning given in section 22B(14).”
- (14) In section 123(4) of that Act (orders and regulations subject to affirmative procedure), after paragraph (a) insert—
- “(aza) section 22F(5);”.
- (15) In consequence of further information orders being renamed information orders by this section, the following amendments are also made to that Act—
- (a) in the italic heading before section 22B for “Further information” substitute “Information”;
  - (b) in section 22C (statements), in subsection (1) for “a further” substitute “an”;
  - (c) in section 22D (appeals), in subsections (1) and (4)(a) for “a further” substitute “an”;
  - (d) in section 22E (supplementary)—
    - (i) in subsection (1) for “A further” substitute “An”;
    - (ii) in subsection (3) for “a further” substitute “an”;
    - (iii) in subsection (4) for “a further” substitute “an”;
    - (iv) in subsection (5) omit “further”;
  - (e) in section 120C (enforcement of orders in other parts of UK), in subsection (2) (a) omit “further”.

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**Commencement Information**

- I1** S. 186(1)-(12)(15) in force at Royal Assent for specified purposes, see [s. 219\(1\)\(2\)\(b\)](#)
- I2** S. 186(13)(14) in force at Royal Assent, see [s. 219\(1\)\(2\)\(i\)](#)

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**Changes and effects yet to be applied to :**

- s. 186(1)-(12)(15) coming into force by [S.I. 2024/269 reg. 4\(e\)](#)