
Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Part 7. (See end of Document for details)

SCHEDULES

SCHEDULE 7

TERRORIST FINANCING AND MONEY LAUNDERING

PART 7

ENFORCEMENT: OFFENCES

Offences: failure to comply with requirement imposed by direction

- 30 (1) A person who fails to comply with a requirement imposed by a direction under this Schedule commits an offence, subject to the following provisions.
- (2) No offence is committed if the person took all reasonable steps and exercised all due diligence to ensure that the requirement would be complied with.
- (3) In deciding whether a person has committed an offence under this paragraph the court must consider whether the person followed any relevant guidance that was at the time—
- (a) issued by a supervisory authority or any other appropriate body,
 - (b) approved by the Treasury, and
 - (c) published in a manner approved by the Treasury as suitable in their opinion to bring the guidance to the attention of persons likely to be affected by it.
- (4) In sub-paragraph (3) “appropriate body” means a body that regulates or is representative of any trade, profession, business or employment carried on by the alleged offender.
- [^{F1}(4A) In a case where a person is guilty of an offence under this paragraph by failing to comply with a requirement of a kind mentioned in paragraph 13, the person is liable—
- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates’ court] (or, in relation to offences committed before [^{F3}2 May 2022], 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.]
- (5) [^{F4}In any other case,] a person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;

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- (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (6) A person who is convicted of an offence under this paragraph is not liable to a penalty under paragraph 25 in respect of the same failure.

Textual Amendments

- F1** Sch. 7 para. 30(4A) inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 145\(5\)](#), [183\(3\)\(5\)\(e\)](#) (with [s. 145\(10\)](#)); [S.I. 2017/482](#), reg. 2
- F2** Words in Sch. 7 para. 30(4A)(a)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#)
- F3** Words in Sch. 7 para. 30(4A)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F4** Words in Sch. 7 para. 30(5) inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 145\(6\)](#), [183\(3\)\(5\)\(e\)](#) (with [s. 145\(10\)](#)); [S.I. 2017/482](#), reg. 2

[^{F5}Offences: relevant person circumventing requirements

Textual Amendments

- F5** Sch. 7 para. 30A inserted (17.12.2010) by [Terrorist Asset-Freezing etc. Act 2010 \(c. 38\)](#), [ss. 50\(3\)](#), [55\(1\)](#)

- 30A (1) A relevant person who intentionally participates in activities knowing that the object or effect of them is (whether directly or indirectly) to circumvent a requirement imposed by a direction under this Schedule commits an offence.

[In a case where a person is guilty of an offence under this paragraph in relation to a ^{F6}(1A) requirement of a kind mentioned in paragraph 13, the person is liable—

- (a) on summary conviction—
- (i) in England and Wales, to imprisonment for a term not exceeding [^{F7}the general limit in a magistrates' court] (or, in relation to offences committed before [^{F8}2 May 2022], 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
- (b) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or to both.]
- (2) [^{F9}In any other case,] a person guilty of an offence under this paragraph is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine or both.
- (3) A person who is convicted of an offence under this paragraph is not liable to a penalty under paragraph 25A in respect of participation in the same activities.]

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Textual Amendments

- F6** Sch. 7 para. 30A(1A) inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 145\(7\)](#), [183\(3\)\(5\)\(e\)](#) (with s. 145(10)); S.I. 2017/482, reg. 2
- F7** Words in Sch. 7 para. 30A(1A)(a)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#)
- F8** Words in Sch. 7 para. 30A(1A)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)
- F9** Words in Sch. 7 para. 30A(2) inserted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 145\(8\)](#), [183\(3\)\(5\)\(e\)](#) (with s. 145(10)); S.I. 2017/482, reg. 2

Offences in connection with licences

- 31 (1) A person commits an offence who for the purpose of obtaining a licence under paragraph 17—
- (a) provides information that is false in a material respect or a document that is not what it purports to be, and
 - (b) knows that, or is reckless as to whether, the information is false or the document is not what it purports to be.
- (2) A person guilty of an offence under this paragraph is liable ^{[^{F10}—}
- (a) on summary conviction—
 - (i) in England and Wales, to imprisonment for a term not exceeding [^{F11}the general limit in a magistrates' court] (or, in relation to offences committed before [^{F12}2 May 2022], 6 months) or to a fine, or to both;
 - (ii) in Scotland, to imprisonment for a term not exceeding 12 months, or to a fine not exceeding the statutory maximum, or to both;
 - (iii) in Northern Ireland, to imprisonment for a term not exceeding 6 months, or to a fine not exceeding the statutory maximum, or to both;
 - (b) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.]

Textual Amendments

- F10** Words in Sch. 7 para. 31 substituted (31.1.2017 for specified purposes, 1.4.2017 in so far as not already in force) by [Policing and Crime Act 2017 \(c. 3\)](#), [ss. 145\(9\)](#), [183\(3\)\(5\)\(e\)](#) (with s. 145(10)); S.I. 2017/482, reg. 2
- F11** Words in Sch. 7 para. 31(2)(a)(i) substituted (7.2.2023 at 12.00 p.m.) by [The Judicial Review and Courts Act 2022 \(Magistrates' Court Sentencing Powers\) Regulations 2023 \(S.I. 2023/149\)](#), regs. 1(2), 2(1), [Sch. Pt. 1](#)
- F12** Words in Sch. 7 para. 31(2)(a)(i) substituted (28.4.2022) by [The Criminal Justice Act 2003 \(Commencement No. 33\) and Sentencing Act 2020 \(Commencement No. 2\) Regulations 2022 \(S.I. 2022/500\)](#), regs. 1(2), 5(1), [Sch. Pt. 1](#)

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Extra-territorial application of offences

- 32 (1) An offence under this Schedule may be committed by a United Kingdom person by conduct wholly or partly outside the United Kingdom.
- (2) Nothing in this paragraph affects any criminal liability arising otherwise than under this paragraph.

Prosecution of offences

- 33 (1) Proceedings for an offence under this Schedule may be instituted in England and Wales only by—
- (a) the ^{F13}FCA ;
 - ^{F14}(b)
 - ^{F15}(c)
 - (d) a local weights and measures authority; or
 - (e) the Director of Public Prosecutions.
- (2) Proceedings for an offence under this Schedule may be instituted in Northern Ireland only by—
- (a) the ^{F16}FCA ;
 - (b) HMRC;
 - ^{F17}(c)
 - (d) DETINI; or
 - (e) the Director of Public Prosecutions for Northern Ireland.
- (3) In section 168(4) of the Financial Services and Markets Act 2000 (c. 8) (appointment ^{F18}... of persons to carry out investigation), after paragraph (b) insert—
- “(ba) a person may be guilty of an offence under Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing or money laundering);”
- (4) In section 402(1) of that Act (power of FSA to institute proceedings), omit the “or” before paragraph (b) and after that paragraph insert—
- “or
- (c) Schedule 7 to the Counter-Terrorism Act 2008 (terrorist financing or money laundering).”
- (5) HMRC may conduct a criminal investigation into any offence under this Schedule.
- (6) In sub-paragraph (5) “criminal investigation” has the meaning given by section 35(5)(b) of the Commissioners for Revenue and Customs Act 2005 (c. 11).

Textual Amendments

F13 Word in Sch. 7 para. 33(1)(a) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\), s. 122\(3\), Sch. 18 para. 127\(4\)\(a\)](#) (with Sch. 20); S.I. 2013/423, art. 3, Sch.

F14 Sch. 7 para. 33(1)(b) omitted (27.3.2014) by virtue of [The Public Bodies \(Merger of the Director of Public Prosecutions and the Director of Revenue and Customs Prosecutions\) Order 2014 \(S.I. 2014/834\)](#), art. 1(1), [Sch. 2 para. 60](#)

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- F15** Sch. 7 para. 33(1)(c) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 15(4)(a)**
- F16** Word in Sch. 7 para. 33(2)(a) substituted (1.4.2013) by [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 127(4)(a)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.
- F17** Sch. 7 para. 33(2)(c) omitted (26.7.2013 for specified purposes, 1.4.2014 in so far as not already in force) by virtue of [The Financial Services and Markets Act 2000 \(Regulated Activities\) \(Amendment\) \(No.2\) Order 2013 \(S.I. 2013/1881\)](#), art. 1(2)(6), **Sch. para. 15(4)(b)**
- F18** Words in Sch. 7 para. 33(3) omitted (1.4.2013) by virtue of [Financial Services Act 2012 \(c. 21\)](#), s. 122(3), **Sch. 18 para. 127(4)(b)** (with Sch. 20); S.I. 2013/423, art. 3, Sch.

Jurisdiction to try offences

- 34 Where an offence under this Schedule is committed outside the United Kingdom—
- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
 - (b) the offence may for all incidental purposes be treated as having been committed at any such place.

Time limit for summary proceedings

- 35 (1) An information relating to an offence under this Schedule that is triable by a magistrates' court in England and Wales may be so tried if it is laid—
- (a) at any time within three years after the commission of the offence, and
 - (b) within twelve months after the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.
- (2) Summary proceedings in Scotland for an offence under this Schedule—
- (a) must not be commenced after the expiration of three years from the commission of the offence;
 - (b) subject to that, may be commenced at any time within twelve months after the date on which evidence sufficient in the Lord Advocate's opinion to justify the proceedings came to the knowledge of the Lord Advocate.
- Section 136(3) of the Criminal Procedure (Scotland) Act 1995 (c. 46) (date when proceedings deemed to be commenced) applies for the purposes of this subparagraph as for the purposes of that section.
- (3) A magistrates' court in Northern Ireland has jurisdiction to hear and determine a complaint charging the commission of a summary offence under this Schedule provided that the complaint is made—
- (a) within three years from the time when the offence was committed, and
 - (b) within twelve months from the date on which evidence sufficient in the opinion of the prosecutor to justify the proceedings comes to the knowledge of the prosecutor.
- (4) For the purposes of this paragraph a certificate of the prosecutor (or, in Scotland, the Lord Advocate) as to the date on which such evidence as is referred to above came to their notice is conclusive evidence.

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Liability of officers of bodies corporate etc

- 36 (1) If an offence under this Schedule committed by a body corporate is shown—
- (a) to have been committed with the consent or the connivance of an officer of the body corporate, or
 - (b) to be attributable to any neglect on the part of any such officer,
- the officer as well as the body corporate is guilty of an offence and liable to be proceeded against and punished accordingly.
- (2) If an offence under this Schedule committed by a partnership is shown—
- (a) to have been committed with the consent or the connivance of a partner, or
 - (b) to be attributable to any neglect on the part of a partner,
- the partner as well as the partnership is guilty of an offence and liable to be proceeded against and punished accordingly.
- (3) If an offence under this Schedule committed by an unincorporated association (other than a partnership) is shown—
- (a) to have been committed with the consent or the connivance of an officer of the association, or
 - (b) to be attributable to any neglect on the part of any such officer,
- the officer as well as the association is guilty of an offence and liable to be proceeded against and punished accordingly.
- (4) If the affairs of a body corporate are managed by its members, sub-paragraph (1) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.
- (5) In this paragraph—
- “officer”—
 - (a) in relation to a body corporate, means a director, manager, secretary, chief executive, member of the committee of management, or a person purporting to act in such a capacity, and
 - (b) in relation to an unincorporated association, means any officer of the association or any member of its governing body, or a person purporting to act in such capacity; - “partner” includes a person purporting to act as a partner.

Proceedings against unincorporated bodies

- 37 (1) Proceedings for an offence under this Schedule alleged to have been committed by a partnership or an unincorporated association must be brought in the name of the partnership or association (and not in that of its members).
- (2) In proceedings for such an offence brought against a partnership or unincorporated association—
- (a) section 33 of the Criminal Justice Act 1925 (c. 86) (procedure on charge of offence against corporation) and Schedule 3 to the Magistrates' Courts Act 1980 (c. 43) (corporations) apply as they do in relation to a body corporate;
 - (b) section 70 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (proceedings against bodies corporate) applies as it does in relation to a body corporate;

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- (c) section 18 of the Criminal Justice (Northern Ireland) Act 1945 (c. 15 (N.I.)) (procedure on charge) and Schedule 4 to the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (corporations) apply as they do in relation to a body corporate.
- (3) Rules of court relating to the service of documents have effect in relation to proceedings for an offence under this Schedule as if the partnership or association were a body corporate.
- (4) A fine imposed on the partnership or association on its conviction of such an offence is to be paid out of the funds of the partnership or association.

Changes to legislation:

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