



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 3

#### PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

##### *Forfeiture*

#### **35 Forfeiture: other terrorism offences and offences with a terrorist connection**

- (1) After section 23 of the Terrorism Act 2000 (c. 11) (forfeiture: terrorist property offences) insert—

##### **“23A Forfeiture: other terrorism offences and offences with a terrorist connection**

- (1) The court by or before which a person is convicted of an offence to which this section applies may order the forfeiture of any money or other property in relation to which the following conditions are met—
- (a) that it was, at the time of the offence, in the possession or control of the person convicted; and
  - (b) that—
    - (i) it had been used for the purposes of terrorism,
    - (ii) it was intended by that person that it should be used for the purposes of terrorism, or
    - (iii) the court believes that it will be used for the purposes of terrorism unless forfeited.
- (2) This section applies to an offence under—
- (a) any of the following provisions of this Act—
    - section 54 (weapons training);
    - section 57, 58 or 58A (possessing things and collecting information for the purposes of terrorism);

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 35. (See end of Document for details)*

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- section 59, 60 or 61 (inciting terrorism outside the United Kingdom);
- (b) any of the following provisions of Part 1 of the Terrorism Act 2006 (c. 11)—
- section 2 (dissemination of terrorist publications);
- section 5 (preparation of terrorist acts);
- section 6 (training for terrorism);
- sections 9 to 11 (offences involving radioactive devices or materials).
- (3) This section applies to any ancillary offence (as defined in section 94 of the Counter-Terrorism Act 2008) in relation to an offence listed in subsection (2).
- (4) This section also applies to an offence specified in Schedule 2 to the Counter-Terrorism Act 2008 (offences where terrorist connection to be considered) as to which—
- (a) in England and Wales, the court dealing with the offence has determined, in accordance with section 30 of that Act, that the offence has a terrorist connection;
- (b) in Scotland, it has been proved, in accordance with section 31 of that Act, that the offence has a terrorist connection.
- (5) The Secretary of State may by order amend subsection (2).
- (6) An order adding an offence to subsection (2) applies only in relation to offences committed after the order comes into force.”.
- (2) In section 123 of that Act (orders and regulations)—
- (a) in subsection (4) (instruments subject to affirmative resolution procedure), after paragraph (a) insert—
- “(aa) section 23A(5);”;
- (b) in subsection (5), for “paragraph (b)” substitute “ paragraph (aa) or (b) ”.

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**Commencement Information**

**II** S. 35 in force at 18.6.2009 by [S.I. 2009/1256](#), [art. 2\(c\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 35.