



Counter-Terrorism Act 2008

2008 CHAPTER 28

PART 3

PROSECUTION AND PUNISHMENT OF TERRORIST OFFENCES

Forfeiture

38 Forfeiture: other amendments

- (1) For section 120A of the Terrorism Act 2000 (c. 11) (supplemental powers of the court in respect of forfeiture orders) substitute—

“120A Supplementary powers of forfeiture

- (1) A court by or before which a person is convicted of an offence under a provision mentioned in column 1 of the following table may order the forfeiture of any item mentioned in column 2 in relation to that offence.

<i>Offence</i>	<i>Items liable to forfeiture</i>
Section 54 (weapons training)	Anything that the court considers to have been in the possession of the person for purposes connected with the offence.
Section 57 (possession for terrorist purposes)	Any article that is the subject matter of the offence.
Section 58 (collection of information)	Any document or record containing information of the kind mentioned in subsection (1)(a) of that section.
Section 58A (eliciting, publishing or communicating information about members of armed forces etc)	Any document or record containing information of the kind mentioned in subsection (1)(a) of that section.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 38. (See end of Document for details)

- (2) Before making an order under this section, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under this section.
 - (3) An order under this section does not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).
 - (4) Where a court makes an order under this section, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture, including, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.
 - (5) Provision made by virtue of subsection (4) may be varied at any time by the court that made it.
 - (6) The power of forfeiture under this section is in addition to any power of forfeiture under section 23A.”.
- (2) In section 7 of the Terrorism Act 2006 (c. 11), after subsection (6) insert—
- “(7) The power of forfeiture under this section is in addition to any power of forfeiture under section 23A of the Terrorism Act 2000.”.
- (3) After section 11 of the Terrorism Act 2006 (terrorist threats relating to devices, materials or facilities) insert—

“11A Forfeiture of devices, materials or facilities

- (1) A court by or before which a person is convicted of an offence under section 9 or 10 may order the forfeiture of any radioactive device or radioactive material, or any nuclear facility, made or used in committing the offence.
- (2) A court by or before which a person is convicted of an offence under section 11 may order the forfeiture of any radioactive device or radioactive material, or any nuclear facility, which is the subject of—
 - (a) a demand under subsection (1) of that section, or
 - (b) a threat falling within subsection (3) of that section.
- (3) Before making an order under this section, a court must give an opportunity to be heard to any person, other than the convicted person, who claims to be the owner or otherwise interested in anything which can be forfeited under this section.
- (4) An order under this section does not come into force until there is no further possibility of it being varied, or set aside, on appeal (disregarding any power of a court to grant leave to appeal out of time).
- (5) Where a court makes an order under this section, it may also make such other provision as appears to it to be necessary for giving effect to the forfeiture, including, in particular, provision relating to the retention, handling, disposal or destruction of what is forfeited.
- (6) Provision made by virtue of subsection (5) may be varied at any time by the court that made it.

Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 38. (See end of Document for details)

(7) The power of forfeiture under this section is in addition to any power of forfeiture under section 23A of the Terrorism Act 2000.”.

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Commencement Information

II S. 38 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 38.