

2001 No. 4019 (C. 128)

PREVENTION AND SUPPRESSION OF TERRORISM

**The Anti-terrorism, Crime and Security Act 2001
(Commencement No. 1 and Consequential Provisions) Order
2001**

Made - - - - 17th December 2001

In exercise of the powers conferred on him by section 127 of the Anti-terrorism, Crime and Security Act 2001(a), the Secretary of State hereby makes the following Order:

1. This Order may be cited as the Anti-terrorism, Crime and Security Act 2001 (Commencement No. 1 and Consequential Provisions) Order 2001.

2.—(1) The following provisions of the Anti-terrorism, Crime and Security Act 2001 (“the Act”), namely—

- (a) section 1, together with Schedule 1,
- (b) section 2,
- (c) section 3, together with Schedule 2, and
- (d) Part 1 of Schedule 8,

shall come into force on 20th December 2001.

(2) The coming into force of the repeal of section 31 of the Terrorism Act 2000(b) in Part 1 of Schedule 8 to the Act shall not affect the continuance in force of the Magistrates’ Courts (Terrorism Act 2000) Rules (Northern Ireland) 2001(c).

3. The code of practice in operation under Schedule 14 to the Terrorism Act 2000 is modified in accordance with the Schedule to this Order as from 20th December 2001.

Home Office
17th December 2001

Bob Ainsworth
Parliamentary Under-Secretary of State

(a) 2001 c.24; the power in section 125 is extended by section 1(5).
(b) 2000 c.11
(c) S.R. (N.I.) 2001 No. 65.

SCHEDULE

Article 3

MODIFICATIONS TO THE CODE OF PRACTICE MADE UNDER SCHEDULE 14
TO THE TERRORISM ACT 2000

1. In the heading, for “UNDER THE TERRORISM ACT 2000”, substitute “ACTING UNDER SCHEDULE 1 TO THE ANTI-TERRORISM, CRIME AND SECURITY ACT 2001”.
2. In paragraph 1 for “Part III of the Terrorism Act 2000”, substitute “Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”.
3. In paragraph 2—
 - (a) for “Section 24 of”, substitute “paragraph 19(1) of Schedule 1 to”;
 - (b) for “Part III of”, substitute “Schedule 1 to”;
 - (c) for both references to “police officer”, substitute “constable”;
 - (d) delete “under the Act or any other legislation”;
 - (e) before “the Drug Trafficking Act 1994”, insert “Part 2 of”; and
 - (f) delete “because the cash directly or indirectly represents proceeds from drug trafficking, even though it may also be cash which would be liable to seizure under Section 25 of the Act”.
4. In paragraph 3—
 - (a) for “Section 24(2) of”, substitute “paragraph 1 of Schedule 1 to”;
 - (b) delete the definition of “port”.
5. In paragraph 4, after “ports”, insert “(within the meaning of Schedule 7 to the Terrorism Act 2000)”.
6. In paragraph 5, delete “police” where it occurs for the first time.
7. In paragraph 6—
 - (a) for “1971 or”, substitute “1971,”; and
 - (b) after “1979” insert “or the Police and Criminal Evidence Act 1984”.
8. For paragraph 8 substitute:

“8. Under Schedule 1 to the Act an authorised officer may seize and detain cash (for up to 48 hours) where he/she has reasonable grounds for suspecting that the cash—

 - (a)
 - is intended to be used for the purposes of terrorism;
 - consists of resources of a proscribed organisation;
 - is or represents property obtained by or in return for acts of terrorism or acts carried out for the purposes of terrorism (although this is subject to the exceptions set out at paragraph 16 of Schedule 1 to the Act);

and

 - (b) the cash is found at any place in the United Kingdom.”.
9. Delete paragraphs 9 and 10 and renumber accordingly.
10. In paragraph 14, for “Section 25 of”, substitute “paragraph 1(1) of Schedule 1 to”.
11. In paragraph 16, for “travellers cheques, bank notes or postal orders”, substitute “postal orders, ordinary cheques, travellers’ cheques, bankers’ drafts, bearer bonds or bearer shares”.
12. In paragraph 20, after the first reference to “authorised officer”, insert “or the Commissioners for Customs and Excise”.
13. In paragraph 21—

- (a) for “Section 27(1) of” substitute “paragraph 4 of Schedule 1 to”; and
- (b) for “accounts for each cash seizure should be opened” substitute “records for each cash seizure deposit should be kept”.
14. In paragraph 22—
- (a) delete “*and where no application for forfeiture has been made to and is under consideration by a court*”;
- (b) after the first sentence, insert “But this does not apply where an application for forfeiture had been made and not concluded, where an application has been made under paragraph 9 of Schedule 1 to the Act by a person who claims to be a victim and not concluded or where criminal proceedings have been commenced in connection with the cash and not concluded, whether in the United Kingdom or elsewhere.”;
- (c) delete “(although authorised officers should bear in mind that, notwithstanding the lack of any forfeiture proceedings, the cash cannot be released while other proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded)”;
- (d) after “detained cash is”, insert “ to be”; and
- (e) for “has been released”, substitute “is to be released”.
15. In paragraph 24—
- (a) for “section 28 of”, substitute “paragraph 6 of Schedule 1 to”;
- (b) for “is of the kind mentioned in Section 25(1)(a), (b) or (c) of the Act and that section 25(3) applies”, substitute “is cash to which Schedule 1 to the Act applies”;
- (c) for “procurator fiscal”, substitute “Scottish Ministers”.
16. In paragraph 25—
- (a) for “police officer”, substitute “constable”;
- (b) for “Section 27 of”, substitute “paragraph 4 of Schedule 1 to”; and
- (c) for “Section 26”, substitute “paragraph 3(2) of Schedule 1 to the Act”.
17. In the heading to the Annex, for “**SECTION 25 OF THE TERRORISM ACT 2000**”, substitute “**PARAGRAPH 2 OF SCHEDULE 1 TO THE ANTI-TERRORISM, CRIME AND SECURITY ACT 2001**”.
18. In the first paragraph to the Annex—
- (a) for “section 25 of the Terrorism Act 2000”, substitute “paragraph 2 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”; and
- (b) for “travellers’ cheques*/bankers’ drafts*”, substitute “cheques*/travellers’ cheques*/bankers’ drafts*/bearer bonds*/bearer shares*”.
19. In the second paragraph to the Annex, for “section 26 of the Terrorism Act”, substitute “paragraph 3 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001”.
20. In the third paragraph to the Annex, for “*by an authorised officer (a constable, customs officer or immigration officer)”, substitute “by a constable*/customs officer*/immigration officer*/the Commissioners for Customs and Excise*”.
21. In the acknowledgement clause of the Annex, for “travellers’ cheques*/bankers’ drafts*”, substitute “cheques*/travellers’ cheques*/bankers’ drafts*/bearer bonds*/bearer shares*”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 20th December 2001 the provisions of the Anti-terrorism, Crime and Security Act 2001 (the 2001 Act) which are set out in article 2.

The Order also amends the code of practice issued under paragraph 6(1) of Schedule 14 to the Terrorism Act 2000. The current code applies to the exercise of officers' functions in relation to the seizure, detention and forfeiture of terrorist cash under sections 24 to 31 of the Terrorism Act 2000. These provisions are repealed by section 1 of the 2001 Act and replaced by Schedule 1 to that Act. This requires consequential amendments to be made to the code and these are made by this Order.

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