
STATUTORY INSTRUMENTS

2002 No. 1822

The Anti-terrorism (Financial and Other Measures) (Overseas Territories) Order 2002

PART I

INTRODUCTORY

Citation and commencement

1. This Order may be cited as the Anti-terrorism (Financial and Other Measures) (Overseas Territories) Order 2002 and shall come into force on 1st August 2002.

Extent

2.—(1) This Order extends to the following territories—

Anguilla
Falkland Islands
Montserrat
St Helena and Dependencies
Turks and Caicos Islands
Virgin Islands.

(2) In the application of this Order to any of the said territories the expression “the Territory” means that territory.

Interpretation: general

3.—(1) In this Order, unless the contrary intention appears—

“act” and “action” include omission,

“article” includes substance and any other thing,

“Attorney General” means the Attorney General of the Territory and includes any person for the time being lawfully performing the functions of the Attorney General,

“constable” includes an officer of the police force of the Territory, and, in the application to Anguilla of the provisions of this Order relating to the disclosure of information, also includes the Reporting Authority constituted under the Money Laundering Reporting Authority Act of that territory,

“customs officer” means an officer who, under the law of the Territory relating to the control of exports or imports, is authorised to enforce such controls,

“Director of Public Prosecutions” means the person (if any) other than the Attorney General in whom the law of the Territory for the time being vests (subject to such powers of control, supervision or direction as may be reserved to the Attorney General) the general power to

initiate, conduct, take over and discontinue criminal proceedings for any offence against the law of the Territory,

“Governor” means the person for the time being lawfully administering the government of the Territory,

“immigration officer” means a person who, under the law of the Territory relating to the control of entry into the Territory, is authorised to enforce such control,

“premises” includes any place and in particular includes a vehicle and a tent or moveable structure,

“property” includes property wherever situated and whether real or personal, heritable or moveable, and things in action and other intangible or incorporeal property,

“Supreme Court” means the court of the Territory, however styled, which possesses unlimited original jurisdiction in civil and criminal matters (but does not include a court which has appellate jurisdiction from such a court),

“terrorist investigation” means an investigation of—

- (a) the commission, preparation or instigation of acts of terrorism,
- (b) an act which appears to have been done for the purposes of terrorism, or
- (c) the commission, preparation or instigation of an offence under this Order, and

“vehicle” includes an aircraft, hovercraft, train or vessel.

(2) In this Order—

- (a) references to conviction on indictment are references to conviction after trial before the Supreme Court,
- (b) references to summary conviction are references to conviction after trial by a magistrates' court,
- (c) references to a magistrates' court are references to a court of the Territory (however styled and however composed) which is subordinate to the Supreme Court and which is authorised by the law of the Territory to exercise general jurisdiction in criminal matters (but do not include references to a court exercising jurisdiction under a law governing a disciplined force or a penal establishment), and
- (d) “the statutory maximum” means the fine prescribed by the law of the Territory, as for the time being in force, as the upper limit of the fines that a magistrates' court may impose on offenders in respect of any single criminal offence (disregarding any special provision authorising a greater fine to be imposed in respect of any particular offence) or, if the law of the Territory, as so in force, prescribes no such limit, means a fine of such amount (not being excessive in the circumstances of the case) as the court thinks fit.

(3) Where any provision of this Order confers any function on the Governor, it is to be construed as conferring that function on him to be exercised by him acting in his discretion.

Terrorism: Interpretation

4.—(1) In this Order “terrorism” means the use or threat of action where—

- (a) the action falls within paragraph (2),
- (b) the use or threat is designed to influence the government or intimidate the public or a section of the public, and
- (c) the use or threat is made for the purpose of advancing a political, religious or ideological cause.

(2) Action falls within this paragraph if it—

- (a) involves serious violence against a person,
 - (b) involves serious damage to property,
 - (c) endangers a person's life, other than that of the person committing the action,
 - (d) creates a serious risk to the health or safety of the public or a section of the public, or
 - (e) is designed seriously to interfere with or seriously to disrupt an electronic system.
- (3) The use or threat of action falling within paragraph (2) which involves the use of firearms or explosives is terrorism whether or not paragraph (1)(b) is satisfied.
- (4) In this article—
- (a) “action” includes action outside the Territory,
 - (b) a reference to any person or to property is a reference to any person, or to property, wherever situated,
 - (c) a reference to the public includes a reference to the public of a country other than the Territory,
 - (d) “explosive” means—
 - (i) an article or substance manufactured for the purpose of producing a practical effect by explosion,
 - (ii) materials for making an article or substance within sub-paragraph (i),
 - (iii) anything used or intended to be used for causing or assisting in causing an explosion, and
 - (iv) a part of anything within sub-paragraph (i) or (iii),
 - (e) “firearm” includes an air gun or air pistol, and
 - (f) “the government” means the government of the Territory or of a country (or a part of a country) other than the Territory.