
STATUTORY INSTRUMENTS

2006 No. 2657

The Terrorism (United Nations Measures) Order 2006

PART 1

Preliminary and general

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Terrorism (United Nations Measures) Order 2006 and comes into force on 12th October 2006.

(2) This Order extends to the United Kingdom.

(3) An offence may be committed under articles 6, 7, 8, 10 or 11 by any person in the United Kingdom or by any person elsewhere who is—

- (a) a British citizen, a British overseas territories citizen, a British Overseas citizen, a British subject, a British National (Overseas) or a British protected person; or
- (b) a body incorporated or constituted under the law of any part of the United Kingdom.

Interpretation

2.—(1) In this Order—

“the 2000 Act” means the Financial Services and Markets Act 2000(1);

“the 2001 Order” means the Terrorism (United Nations Measures) Order 2001(2);

“body corporate” includes a Scottish partnership;

“designated person” has the meaning given by article 3;

“the Council Decision” means Council Decision 2006/379/EC(3) as provided for in Article 2.3 of Regulation (EC) No 2580/2001 of 27th December 2001(4);

“document” includes information recorded in any form and, in relation to information recorded otherwise than in legible form, references to its production include references to producing a copy of the information in legible form;

“economic resources” means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;

“financial services” (except in the title of the 2000 Act) means any service of a financial nature, including (but not limited to)—

- (a) insurance-related services consisting of—
 - (i) direct life assurance;

(1) 2000 c.8.

(2) S.I. 2001/3365 as amended by S.I. 2001/3801; S.I. 2002/111; S.I. 2003/1297; S.I.2005/1525 and S.I.2005/3389.

(3) OJ No L 144, 31.5.2006, p.21.

(4) OJ No L 344, 28.12.2001, p.70, as amended by Commission Regulation (EC) No 745/2003 of 28th April 2003 (OJ L 106, 29.4.03, p.22) and Commission Regulation (EC) No 1207/2005 of 27th July 05 (OJ L 197, 28.7.05, p.16).

- (ii) direct insurance other than life assurance;
- (iii) reinsurance and retrocession;
- (iv) insurance intermediation, such as brokerage and agency; and
- (b) banking and other financial services consisting of—
 - (i) accepting deposits and other repayable funds;
 - (ii) lending (including consumer credit, mortgage credit, factoring and financing of commercial transactions);
 - (iii) financial leasing;
 - (iv) payment and money transmission services (including credit, charge and debit cards, travellers' cheques and bankers' drafts);
 - (v) providing guarantees or commitments;
 - (vi) financial trading;
 - (vii) participating in issues of any kind of securities (including underwriting and placement as an agent, whether publicly or privately) and providing services related to such issues;
 - (viii) money brokering;
 - (ix) settlement and clearing services for financial assets (including securities, derivative products and other negotiable instruments);
 - (x) providing or transferring financial information, financial data processing or related software (but only by suppliers of other financial services);
 - (xi) providing advisory and other auxiliary financial services in respect of any activity listed in paragraphs (i) to (x) (including credit reference and analysis, investment and portfolio research and advice, advice on acquisitions and on corporate restructuring and strategy);

“financial trading” means trading for own account or for account of customers, whether on an investment exchange, in an over-the-counter market or otherwise, in—

- (a) money market instruments (including cheques, bills and certificates of deposit);
- (b) foreign exchange;
- (c) derivative products (including futures and options);
- (d) exchange rate and interest rate instruments (including products such as swaps and forward rate agreements);
- (e) transferable securities;
- (f) other negotiable instruments and financial assets (including bullion);

“funds” means financial assets and benefits of every kind, including (but not limited to)—

- (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
- (b) deposits with relevant institutions or other persons, balances on accounts, debts and debt obligations;
- (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivative products;
- (d) interest, dividends or other income on or value accruing from or generated by assets;
- (e) credit, rights of set-off, guarantees, performance bonds or other financial commitments;
- (f) letters of credit, bills of lading, bills of sale;

- (g) documents providing evidence of an interest in funds or financial resources;
 - (h) any other instrument of export financing;
- “officer”, in relation to a body corporate, means—
- (a) in relation to a Scottish partnership, a partner, and
 - (b) in relation to any other body corporate, a director, manager, secretary or other similar officer of the body corporate or any person who has purported to act in any such capacity;
- “relevant institution” means—
- (a) a person who has permission under Part 4 of the 2000 Act; and
 - (b) an EEA firm of the kind mentioned in paragraph 5(b) of Schedule 3 to the 2000 Act⁽⁵⁾ which has permission under paragraph 15 of that Schedule as a result of qualifying for authorisation under paragraph 12 of that Schedule to accept deposits;
- “Security Council Resolutions” means resolution 1373(2001) adopted by the Security Council of the United Nations on 28th September 2001 and resolution 1452(2002) adopted by the Security Council on 20th December 2002.
- (2) The definition of “relevant institution” in paragraph (1) must be read with—
- (a) section 22 of the 2000 Act;
 - (b) any relevant order under that section; and
 - (c) Schedule 2 to that Act.
- (3) For the purposes of this Order, “terrorism” means the use or threat of action where—
- (a) the action falls within paragraph (4),
 - (b) the use or threat is designed to influence the government or an international governmental organisation or to 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.
- (4) 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.
- (5) The use or threat of action falling within paragraph (4) which involves the use of firearms or explosives is terrorism whether or not paragraph (3)(b) is satisfied.
- (6) In paragraphs (3), (4) and (5)—
- (a) “action” includes action outside the United Kingdom,
 - (b) a reference to any person or to property is a reference to any person or property, wherever situated,
 - (c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and
 - (d) “the government” means the government of the United Kingdom, of a part of the United Kingdom or of a country other than the United Kingdom.

(5) As amended by S.I. 2000/2952 and S.I. 2003/1473.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
