

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 6. (See end of Document for details)

SCHEDULES

SCHEDULE 1

FORFEITURE OF TERRORIST [F¹PROPERTY]

Textual Amendments

- F1** Word in Sch. 1 heading substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), [Sch. 5 para. 16\(2\)](#); S.I. 2018/78, reg. 5(1)(c)

PART 6

INTERPRETATION

Property

- 17 (1) Property is all property wherever situated and includes—
- money,
 - all forms of property, real or personal, heritable or moveable,
 - things in action and other intangible or incorporeal property.
- (2) Any reference to a person's property (whether expressed as a reference to the property he holds or otherwise) is to be read as follows.
- (3) In relation to land, it is a reference to any interest which he holds in the land.
- (4) In relation to property other than land, it is a reference—
- to the property (if it belongs to him), or
 - to any other interest which he holds in the property.

Obtaining and disposing of property

- 18 (1) References to a person disposing of his property include a reference—
- to his disposing of a part of it, or
 - to his granting an interest in it,
- (or to both); and references to the property disposed of are to any property obtained on the disposal.
- (2) If a person grants an interest in property of his which is earmarked as terrorist property, the question whether the interest is also earmarked is to be determined in the same manner as it is on any other disposal of earmarked property.
- (3) A person who makes a payment to another is to be treated as making a disposal of his property to the other, whatever form the payment takes.

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- (4) Where a person’s property passes to another under a will or intestacy or by operation of law, it is to be treated as disposed of by him to the other.
- (5) A person is only to be treated as having obtained his property for value in a case where he gave unexecuted consideration if the consideration has become executed consideration.

General interpretation

19 (1) In this Schedule—

[^{F1}“account forfeiture notice” (in Part 4B) has the meaning given by paragraph 10W(3),]

[^{F1}“account freezing order” (in Part 4B) has the meaning given by paragraph 10Q(4)(a),]

“authorised officer” means a constable [^{F2}, a counter-terrorism financial investigator], a customs officer or an immigration officer,

[^{F1}“bank” (in Part 4B) has the meaning given by paragraph 10R,]

[^{F1}“building society” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“cash” has the meaning given by paragraph 1,

[^{F3}“cash forfeiture notice” has the meaning given by paragraph 5A(3),]

“constable”, in relation to Northern Ireland, means a police officer within the meaning of the Police (Northern Ireland) Act 2000 (c. 32),

[^{F4}“counter-terrorism financial investigator” is to be read in accordance with section 63F of the Terrorism Act 2000,]

“criminal conduct” means conduct which constitutes an offence in any part of the United Kingdom, or would constitute an offence in any part of the United Kingdom if it occurred there,

[^{F5}“cryptoasset” has the meaning given by paragraph 10Z7A(1);

“crypto wallet” has the meaning given by paragraph 10Z7A(1);]

“customs officer” means an officer commissioned by the Commissioners of Customs and Excise under section 6(3) of the Customs and Excise Management Act 1979 (c. 2),

[^{F6}“electronic money institution” (in Part 4B) has the meaning given by paragraph 10Q(7),]

[^{F1}“enforcement officer” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“forfeiture order” has the meaning given by paragraph 7,

“immigration officer” means a person appointed as an immigration officer under paragraph 1 of Schedule 2 to the Immigration Act 1971 (c. 77),

“interest”, in relation to land—

(a) in the case of land in England and Wales or Northern Ireland, means any legal estate and any equitable interest or power,

(b) in the case of land in Scotland, means any estate, interest, servitude or other heritable right in or over land, including a heritable security,

“interest”, in relation to property other than land, includes any right (including a right to possession of the property),

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[^{F5}“justice of the peace”, in relation to Northern Ireland, means lay magistrate;]

[^{F7}“listed asset” has the meaning given by paragraph 10A,]

“part”, in relation to property, includes a portion,

[^{F6}“payment institution” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“property obtained through terrorism” has the meaning given by paragraph 11,

“property earmarked as terrorist property” is to be read in accordance with Part 5,

“proscribed organisation” has the same meaning as in the Terrorism Act 2000 (c. 11),

[^{F1}“relevant court” (in Part 4B) has the meaning given by paragraph 10Q(7),]

[^{F6}“relevant financial institution” (in Part 4B) has the meaning given by paragraph 10Q(1A),]

[^{F3}“senior officer” (in Part 2A) has the meaning given by paragraph 5A(10),]

[^{F1}“senior officer” (in Part 4B) has the meaning given by paragraph 10Q(7),]

“terrorism” has the same meaning as in the Terrorism Act 2000,

“terrorist cash” has the meaning given by paragraph 1,

[^{F5}“terrorist cryptoasset” has the meaning given by paragraph 10Z7A(1);]

“value” means market value.

- (2) Paragraphs 17 and 18 and the following provisions apply for the purposes of this Schedule.
 - (3) For the purpose of deciding whether or not property was earmarked as terrorist property at any time (including times before commencement), it is to be assumed that this Schedule was in force at that and any other relevant time.
 - (4) References to anything done or intended to be done for the purposes of terrorism include anything done or intended to be done for the benefit of a proscribed organisation.
 - (5) An organisation’s resources include any cash which is applied or made available, or is to be applied or made available, for use by the organisation.
 - (6) Proceedings against any person for an offence are concluded when—
 - (a) the person is convicted or acquitted,
 - (b) the prosecution is discontinued or, in Scotland, the trial diet is deserted simpliciter, or
 - (c) the jury is discharged without a finding [^{F8}otherwise than in circumstances where the proceedings are continued without a jury] .
- [^{F9}(7) References (in Part 4B) to an account being operated by or for a person are to be read in accordance with paragraph 10Q(4)(b).]

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- F1** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 4 para. 3(2)**; S.I. 2018/78, reg. 3(dd)
- F2** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 41(6)(b)(i)**, 58(4)(6)
- F3** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(7)**, 58(1)(6); S.I. 2018/78, reg. 3(u)
- F4** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 41(6)(b)(ii)**, 58(4)(6)
- F5** Words in [Sch. 1 para. 19\(1\)](#) inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 10 para. 5**
- F6** Words in Sch. 1 para. 19(1) inserted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), **Sch. 12 para. 9** (with s. 33(4))
- F7** Words in Sch. 1 para. 19(1) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 3 para. 3**; S.I. 2018/78, reg. 3(cc)
- F8** Words in Sch. 1 para. 19(6)(c) inserted (24.7.2006 for E.W. and otherwise 8.1.2007) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 331, 336, **Sch. 36 para. 77**; S.I. 2006/1835, **art. 2(h)**; S.I. 2006/3422, **art. 2(c)**
- F9** Sch. 1 para. 19(7) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 4 para. 3(3)**; S.I. 2018/78, reg. 3(dd)

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