

**SELF-ASSESSMENT QUESTIONNAIRE
FOR THE FATF SPECIAL RECOMMENDATIONS ON TERRORIST FINANCING**

ADDITIONAL QUESTIONS FOR FATF MEMBERS

Responses for:

Name of jurisdiction:

UNITED KINGDOM ¹

Date of information:

14 March 2002 ²

I.3 Has your jurisdiction fully implemented the following United Nations Security Council Resolutions relating to the prevention and suppression of the financing of terrorist acts?²

a. **S/RES/1267(1999)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution, as well as the amounts frozen.)

Implemented?	Date	Applicable law(s) or executive act(s)	Have you frozen assets related to S/RES/1267(1999)?	Number of individuals or entities whose assets have been frozen and amounts frozen
Y ¹³	26/11/99 ¹⁴	Afghanistan (UN Sanctions) Order 1999 as amended by the Afghanistan (UN Sanctions) (Amendment) Order 2001 ¹⁵	Y ¹⁶	6 Accounts £9.9mn ¹⁷

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

b. **S/RES/1269(1999)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate to which international anti-terrorism conventions your jurisdiction is a party and specify for each whether the instrument has been signed but not yet ratified ('S'), ratified but not yet implemented ('RA') or implemented ('IM').)

Implemented?	Date	Applicable law(s) or executive act(s)	International anti-terrorism conventions and status
Y ¹⁸	19/2/01 ¹⁹	Terrorism Act 2000 ²⁰	All 12 UN terrorist related conventions implemented in UK law. ²¹

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

c. **S/RES/1333(2000)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution, as well as the amounts frozen.)

Implemented?	Date	Applicable law(s) or executive act(s)	Have you frozen assets related to S/RES/1333(2000)?	Number of individuals or entities whose assets have been frozen and amounts frozen
Y ²²	16/2/01 ²³	Afghanistan (UN Sanctions) Order 1999 as amended by the Afghanistan (UN Sanctions) (Amendment) Order 2001 ²⁴	Y ²⁵	7 Accounts £299,000 ²⁶

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

d. **S/RES/1373(2001)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with

¹ As a follow-up to the Hong Kong, China FATF Plenary meeting (30 January – 1 February 2002), this document is designed to obtain responses from FATF Members for the revised/added questions of the Self-Assessment questionnaire on Terrorist Financing. FATF Members are requested to provide responses for each field, even if already answered in the previous questionnaire. **Deadline for responses is 15 March 2002.**

² Please note that in assessing compliance with this Special Recommendation, responses to questions elsewhere in the main self-assessment questionnaire will be taken into account.

this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution, as well as the amounts frozen.)

<i>Implemented?</i>	<i>Date</i>	<i>Applicable law(s) or executive act(s)</i>	<i>Have you frozen assets related to S/RES/1373(2001)?</i>	<i>Number of individuals or entities whose assets have been frozen and amounts frozen</i>
Y ²⁷	10/10/01 ₂₈	Terrorism (UN Measures) Order 2001 ₂₉	Y ³⁰	15 Accounts £307,000 ₃₁

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

e. **S/RES/1390(2002)** *(Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution, as well as the amounts frozen.)*

<i>Implemented?</i>	<i>Date</i>	<i>Applicable law(s) or executive act(s)</i>	<i>Have you frozen assets related to S/RES/1390(2002)?</i>	<i>Number of individuals or entities whose assets have been frozen and amounts frozen</i>
Y ³²	23/1/02 ₃₃	The Al-Qa'ida and Taliban (UN Measures) Order 2002 ₃₄	Y ³⁵	13 Accounts £10,199,000 ₃₆

SELF-ASSESSMENT QUESTIONNAIRE: FATF SPECIAL RECOMMENDATIONS ON TERRORIST FINANCING

INSTRUCTIONS:

1. This questionnaire seeks to obtain information on the degree to which countries and territories have implemented measures relating to the FATF Special Recommendations on terrorist financing. The FATF Secretariat will compile responses to this questionnaire, and in the future this material will serve as the basis for assessing further progress in implementing anti-terrorist financing measures. This questionnaire takes into account the guidance¹ issued by the UN Security Council Committee established for monitoring the implementation of UN Security Council Resolution 1373 (2001) of 28 September 2001 [S/RES/1373(2001)]. Where appropriate, questions in this document contain cross-references to the relevant provisions set out in the UN guidance and S/RES/1373(2001).
2. Your responses to this questionnaire should reflect the current situation in your jurisdiction and not any future or desired situation or a situation based on preconditions that have not yet been met. Each series of questions on a particular Recommendation has clearly marked field with space for describing future situations or policy intentions if necessary. Please use this field to indicate your jurisdiction's Action Plan to come into compliance with the particular Special Recommendation by June 2002. For many of the questions, we ask that you indicate the exact title (by article, paragraph, section, etc.) of the law, regulation, executive degrees or other sources for a particular requirement. In addition to these citations, you should provide copies (separately) of the relevant texts.
3. We request that you complete the questionnaire and forward your responses directly to the FATF Secretariat at Secretariat@fatf-gafi.org on or before **4 January 2002**.

Specific instructions for completing and submitting this form electronically

4. This questionnaire is designed to be submitted electronically. Each 'blank' or 'field' in the form has been indicated by grey shading. You may move from one question to the next either by using your tab key (to move forward), the arrow keys (to move forward or backward), or your cursor (mouse).
5. For questions which call for a 'yes' or 'no' answer, the default is 'no'. In order to provide your answer to this type of question, use your cursor to select the corresponding blank. A small menu will appear giving you your choices. If you feel that this type of question does not apply to your jurisdiction, answer 'no' and explain in the space provided on the form.
6. For other questions that ask for longer responses, again select the corresponding blank and then type in the desired response to that question. The blank will increase in size according to how much information you enter. If you need additional space for explaining your answers, you may submit this information with clear reference to the corresponding question as a separate attachment to your completed questionnaire.
7. We have designed this form to be submitted electronically to facilitate the compilation and analysis of the submitted material. Should you have problems in downloading, filling in or submitting this questionnaire, please contact the FATF Secretariat at the e-mail address indicated above.

FATF Secretariat
14 December 2001

¹ *Guidance for the Submission of Reports Pursuant to Paragraph 6 of Security Council Resolution 1373 (2001) of 28 September 2001 [S/RES/1373(2001)]*, issued 26 October 2001 (<http://www.un.org/docs/sc/committees/1373/guide.htm>).

SELF-ASSESSMENT QUESTIONNAIRE FOR THE FATF SPECIAL RECOMMENDATIONS ON TERRORIST FINANCING

Responses for:

Name of jurisdiction:

UK ¹

Date of information:

3 January 2002 ²

I. Ratification and implementation of UN instruments

Each country should take immediate steps to ratify and to implement fully the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism.

Countries should also immediately implement the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts, particularly United Nations Security Council Resolution 1373.

I.1 Has your jurisdiction ratified and fully implemented the 1999 United Nations International Convention for the Suppression of the Financing of Terrorism? Please answer 'yes', 'no' or 'partially', indicate the appropriate date and cite the applicable law or executive act.

		Date	Applicable law(s) or executive act(s) ²
Signed	Y ³	10 Jan 2000 ⁴	5
Ratification	Y ⁶	7 March 2001 ⁷	8
Implementation	Y ⁹	19 February 2001 ¹⁰	Terrorism Act 2000 ¹¹

[References for I.1: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3d, S/RES/1373 (2001)]

I.2 What is your process for ratifying this Convention? Please specify in the space below.

Enactment of primary legislation ¹²

I.3 Has your jurisdiction fully implemented the following United Nations Security Council Resolutions relating to the prevention and suppression of the financing of terrorist acts?³

a. **S/RES/1267(1999)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution.)

Implemented?	Date	Applicable law(s) or executive act(s)	Have you frozen assets related to S/RES/1267(1999)?	Number of individuals or entities whose assets have been frozen
Y ¹³	26/11/99 ¹⁴	Afghanistan (UN Sanctions) Order 1999 as amended by the Afghanistan (UN Sanctions) (Amendment) Order 2001 ¹⁵	Y ¹⁶	38 ¹⁷

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

b. **S/RES/1269(1999)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate to which international anti-terrorism conventions your jurisdiction is a party and specify for each whether the instrument has been signed but not yet ratified ('S'), ratified but not yet implemented ('RA') or implemented ('IM').)

Implemented?	Date	Applicable law(s) or executive act(s)	International anti-terrorism conventions and status
Y ¹⁸	n/a ¹⁹	n/a ²⁰	All 12 UN Terrorist related conventions implemented in UK law. ²¹

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

² Here as elsewhere in this questionnaire, please cite the specific provision (article, paragraph, section, etc.) that applies.

³ Please note that in assessing compliance with this Special Recommendation, responses to questions elsewhere in this questionnaire will be taken into account.

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c. **S/RES/1333(2000)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has frozen the assets of individuals and entities mentioned in the list associated with this Security Council Resolution, and specify the number of individuals or entities whose assets have been frozen under this Resolution.)

Implemented?	Date	Applicable law(s) or executive act(s)	Have you frozen assets related to S/RES/1333(2000)?	Number of individuals or entities whose assets have been frozen
Y ²²	16 Feb 2001 ²³	Afghanistan (UN Sanctions) Order 1999 as amended by the Afghanistan (UN Sanctions) (Amendment) Order 2001 ²⁴	Y ²⁵	38 ²⁶

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

d. **S/RES/1373(2001)** (Please indicate 'yes', 'no' or 'partially', and cite the applicable law or executive act. If 'yes' or 'partially', please indicate whether or not your jurisdiction has (1) frozen all terrorist assets, including of those individuals assisting terrorists, or (2) improved the mechanism of information exchange.)

Implemented?	Date	Applicable law(s) or executive act(s)	Have you frozen assets related to S/RES/1373(2001)?	Improved mechanism for information exchange?
Y ²⁷	10 October 2001 ²⁸	Terrorism (UN Measures) Order 2001 ²⁹	Y ³⁰	Y ³¹

[References for 1.2: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 3e, S/RES/1373 (2001)]

1.3 Does your jurisdiction have the authority to freeze the assets of terrorists whose names do not appear on the list maintained by the UN Security Council Committee established pursuant to S/RES/1269(1999)? If 'yes', please cite the applicable law(s), regulation(s) or other authority that permits such action.

Applicable law(s), regulation(s) or other authority

Y ³² Anti-Terrorism Crime and Security Act 2001; Criminal Justice Act 1988, as amended. ³³

1.4 Does the law of your jurisdiction require a UN Security Council designation before a terrorist's assets can be frozen? If 'yes', please indicate how your country plans to implement the requirements of S/RES/1373(2001).

Plans for implementing S/RES/1373(2001)

N ³⁴ 35

1.5 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

UNSCR 1269 was already implemented in UK law at the time of adoption, no new UK orders required. The 38 frozen accounts (above) are under either 1267 or 1333. We cannot at this stage distinguish between them - we will update as we can. ³⁶

II. Criminalising the financing of terrorism and associated money laundering

Each country should criminalise the financing of terrorism, terrorist acts and terrorist organisations. Countries should ensure that such offences are designated as money laundering predicate offences.

II.1 Has your jurisdiction criminalised the financing of terrorism, the financing of terrorist acts and the financing of terrorist organisations? Please answer 'yes' or 'no' and cite the applicable law(s).

Applicable law(s)

Y ³⁷ Terrorism Act 2000 ³⁸

[References for II.1: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 1b, S/RES/1373 (2001)]

II.2 Are the offences in II.1 above designated as money laundering predicate offences? Please answer 'yes' or 'no' and cite the applicable law(s).

Applicable law(s)

Y 39 Terrorism Act 2000; Criminal Justice Act 1988, as amended 40

II.3 Do terrorist financing offences in your jurisdiction also apply when terrorists or terrorist organisations are located in another State, or when a terrorist act takes place in another State? Please answer 'yes' or 'no' and cite the applicable law(s).

Applicable law(s)

Y 41 Terrorism Act 2000 (Sec 1(4)) 42
 [References for II.3: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 2d, S/RES/1373 (2001)]

II.4 Is it an offence to plan, facilitate or commit terrorist acts whether or not these acts take place in your jurisdiction or in another State? Please answer 'yes' or 'no' and cite the applicable law(s).

Applicable law(s)

a. acts in your jurisdiction Y 43 Various eg Terrorism Act 2000; Offences against the Person Act 1861; Common Law and Explosive Substances Act 1883 44

b. acts in another State Y 45 Various eg Suppression of Terrorism Act 1978; Terrorism Act 2000, Criminal Justice (Terrorism and Conspiracy) Act 1998 46

[References for II.4: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 2e, S/RES/1373 (2001)]

II.5 What penalties apply to persons or entities that have committed terrorist financing offences or that have been involved in, planned, prepared, supported, or committed terrorist acts? Please describe indicate the penalties and cite the applicable law(s).

Penalties

Applicable law(s)

a. terrorist financing offences	Max-14 years imprisonment 47	Terrorism Act 2000 48
b. terrorist acts (as above)	Max- Life Imprisonment 49	Various- see II 4a above. 50

[References for II.5: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 2e, S/RES/1373 (2001)]

II.6 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

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[END A] 52 [For Secretariat use only]

III. Freezing and confiscating terrorist assets

Each country should implement measures to freeze without delay funds or other assets of terrorists, those who finance terrorism and terrorist organisations in accordance with the United Nations resolutions relating to the prevention and suppression of the financing of terrorist acts.

Each country should also adopt and implement measures, including legislative ones, which would enable the competent authorities to seize and confiscate property that is the proceeds of, or used in, or intended or allocated for use in, the financing of terrorism, terrorist acts or terrorist organisations.

III.1 Does your jurisdiction have explicit (legal or regulatory) provisions or 'executive powers'⁴ which permit competent authorities to freeze funds or other assets of terrorists and terrorist organisations, as well as those who finance terrorist acts or terrorist organisations? If 'yes', please indicate how quickly you may act, any special circumstances or restrictions (for example, automatic termination of the order), and cite the applicable law or regulation.

		<i>How quickly?</i>	<i>Circumstances or restrictions</i>	<i>Applicable law or regulation</i>
a. terrorists and terrorist organisations?	Y 53	Immediate 54	At start of investigation or where there are reasonable grounds to suspect involvement in terrorism even where investigation is not likely to lead to proceedings 55	Terrorism Act 2000, Anti-Terrorism, Crime and Security Act 2001, Terrorism (UN Measures) Order 2001 56
b. those who finance	Y 57	Immediate 58	At start of investigation or where	Terrorism Act 2000, Anti-

⁴ The term 'executive powers' means those powers emanating from the executive branch of government (as opposed to legislative or judicial powers). An example might be an order or decree that may be made by the head of state or government.

SELF ASSESSMENT QUESTIONNAIRE: FATF SPECIAL RECOMMENDATIONS ON TERRORIST FINANCING

	<i>How quickly?</i>	<i>Circumstances or restrictions</i>	<i>Applicable law or regulation</i>
terrorist acts or terrorist organisations?		there are reasonable grounds to suspect involvement in terrorism even where investigation is not likely to lead to proceedings ⁵⁹	Terrorism, Crime and Security Act 2001, Terrorism (UN Measures) Order 2001 ⁶⁰

[References for III.1: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 1c, S/RES/1373 (2001)]

III.2. Does your jurisdiction have explicit (legal or regulatory) provisions or 'executive powers' which permit competent authorities to seize ...

		<i>Applicable law or regulation</i>
a. the proceeds of terrorism or of terrorist acts?	Y ⁶¹	Anti-Terrorism Crime and Security Act 2001 (refers to terrorist cash only) ⁶²
b. the property used in terrorism, in terrorist acts or by terrorist organisations?	Y ⁶³	Cash under Terrorism Act 2000 and Anti-Terrorism, Crime and Security Act 2001 ⁶⁴
c. property intended or allocated for use in terrorism, in terrorist acts or by terrorist organisations?	Y ⁶⁵	Cash under Terrorism Act 2000 and Anti-Terrorism, Crime and Security Act 2001 ⁶⁶

III.3. Does your jurisdiction have explicit (legal or regulatory) provisions or 'executive powers' which permit competent authorities to confiscate ...

		<i>Applicable law or regulation</i>
a. the proceeds of terrorism or of terrorist acts?	Y ⁶⁷	Criminal Justice Act 1988; Terrorism Act 2000; Anti-Terrorism Crime and Security Act 2001 ⁶⁸
b. the property used in terrorism, in terrorist acts or by terrorist organisations?	Y ⁶⁹	Anti-Terrorism Crime and Security Act 2001 ⁷⁰
c. property intended or allocated for use in terrorism, in terrorist acts or by terrorist organisations?	Y ⁷¹	Anti-Terrorism Crime and Security Act 2001 ⁷²

III.4 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

III Freezing and Confiscating Terrorist Assets

There is no effective distinction in UK law as between the assets of terrorists and those of persons who finance terrorism.

The relevant provisions are:

(a) Cash may be seized anywhere in the UK where it believed to be intended to be used for terrorism, is part of the resources of a proscribed organisation or is the proceeds of terrorism.

How Quickly: Seizure may take place as soon as detected.

Circumstances or restrictions: Main restriction is that seizure can last for only two years, by court order.

Applicable law or regulation: Terrorism Act 2000 as amended by Anti-Terrorism Crime and Security Act 2001 (ATCS Act).

(b) A freezing order may be made by the Treasury in cases inter-alia where they reasonably believe that action constituting a threat to the life or property of one or more nationals or residents of the UK is likely to be taken by a person or persons resident outside of the UK.

How Quickly: Order comes into effect as soon as it has been made but must be approved by Parliament within 28 days.

Applicable Law or Regulation: ATCS Act.

(c) A restraint order may be obtained where an investigation has commenced into a terrorist offence and the court believes that a forfeiture order may be made in respect of any resulting proceedings.

How Quickly: Will depend on court proceedings but can be quick - application will be ex-parte.

Applicable law or regulation: ATCS Act.

(d) Where the Treasury has reasonable grounds to suspect that a person or entity is linked to terrorism, the Terrorism (UN Measures) Order 2001 (implementing UNSCR 1373) gives powers to freeze the assets of that person or entity, and makes it illegal to make funds or credit available to that person or entity.

Terrorist 'Cash' extends beyond notes and coins to other monetary instruments ⁷³

IV. Reporting suspicious transactions related to terrorism

If financial institutions, or other businesses or entities subject to anti-money laundering obligations, suspect or have reasonable grounds to suspect that funds are linked or related to, or are to be used for terrorism, terrorist acts or by terrorist organisations, they should be required to report promptly their suspicions to the competent authorities.

IV.1 Are financial institutions⁵ or other businesses and entities in your jurisdiction required to make a report to the competent authorities when they suspect that funds may be linked to, related to or to be used for terrorism, terrorist acts or by terrorist organisations?⁶

<i>Type of institution</i>		<i>Applicable law or regulation</i>	
a.	Banks	Y ⁷⁴	Terrorism Act 2000 ⁷⁵
b.	Bureaux de change	Y ⁷⁶	Terrorism Act 2000 ⁷⁷
c.	Stockbrokers	Y ⁷⁸	Terrorism Act 2000 ⁷⁹
d.	Insurance companies	Y ⁸⁰	Terrorism Act 2000 ⁸¹
e.	Money remittance/transfer services	Y ⁸²	Terrorism Act 2000 ⁸³
Other businesses or entities (<i>please specify</i>)			
f.	Applies to any person where a suspicion gained in the course of a trade, profession, business or employment. ⁸⁴	Y ⁸⁵	Terrorism Act 2000 ⁸⁶
g.	⁸⁷	N ⁸⁸	⁸⁹

IV.2 Does the reporting obligation mentioned in IV.1 above also apply when the financial institution or other business or entity has reasonable grounds to suspect that funds are linked to, related to or to be used for terrorism, terrorist acts or by terrorist organisations?

<i>Type of institution</i>		<i>Applicable law or regulation</i>	
a.	Banks	Y ⁹⁰	S.21A of Terrorism Act 2000 as inserted by Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (applies to a business in the regulated sector) ⁹¹
b.	Bureaux de change	Y ⁹²	S.21A of Terrorism Act 2000 as inserted by Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (applies to a business in the regulated sector) ⁹³
c.	Stockbrokers	Y ⁹⁴	S.21A of Terrorism Act 2000 as inserted by Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (applies to a business in the regulated sector) ⁹⁵
d.	Insurance companies	Y ⁹⁶	S.21A of Terrorism Act 2000 as inserted by Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (applies to a business in the regulated sector) ⁹⁷
e.	Money remittance/transfer companies	Y ⁹⁸	S.21A of Terrorism Act 2000 as inserted by Schedule 2 to the Anti-Terrorism, Crime and Security Act 2001 (applies to a business in the regulated sector) ⁹⁹
Other businesses or entities (<i>please specify</i>)			
f.	¹⁰⁰	N ¹⁰¹	¹⁰²
g.	¹⁰³	N ¹⁰⁴	¹⁰⁵

⁵ All references to "financial institutions" in this questionnaire, unless otherwise indicated, refer to both banks and non-bank financial institutions (NBFIs). For assessing compliance with FATF Recommendations, NBFIs include as a minimum the following types of financial services: bureaux de change, stockbrokers, insurance companies and money remittance/transfer services.

⁶ This question refers to systems that require the reporting of suspicious transactions as well as those requiring the reporting of unusual transactions.

IV.3 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

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[END B] 107

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V. International Co-operation

Each country should afford another country, on the basis of a treaty, arrangement or other mechanism for mutual legal assistance or information exchange, the greatest possible measure of assistance in connection with criminal, civil enforcement, and administrative investigations, inquiries and proceedings relating to the financing of terrorism, terrorist acts and terrorist organisations.

Countries should also take all possible measures to ensure that they do not provide safe havens for individuals charged with the financing of terrorism, terrorist acts or terrorist organisations, and should have procedures in place to extradite, where possible, such individuals.

V.1 Does your jurisdiction have specific provisions that permit competent authorities to provide mutual legal assistance⁷ to other countries in connection with investigations, inquiries and proceedings relating to the financing of terrorism, of terrorist acts and of terrorist organisations?

<i>Type of investigation, inquiry or proceeding</i>		<i>Applicable treaty, arrangement or other mechanism</i>
a.	criminal	Y 108 Criminal Justice International Co-operation Act 1990 109
b.	civil enforcement	Y 110 Various, including CJA 1993, POCA 1995 111

[References for V.1: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraphs 2f and 3e, S/RES/1373 (2001)]

V.2 Is your jurisdiction able to respond to mutual legal assistance requests relating to the financing of terrorism, of terrorist acts and of terrorist organisations? Please choose 'yes' or 'no'. If 'yes', please provide the number of mutual legal assistance requests (relating to the financing of terrorism, of terrorist acts and of terrorist organisations) received by your jurisdiction during the past twelve months, the number answered, and the average time to respond.

	<i>N° of MLA requests received</i>	<i>N° MLA requests answered</i>	<i>Average response time</i>
Y 112	NOT AVAILABLE - records are not broken down by type of crime 113	not available 114	not available 115

V.3 Does your jurisdiction permit the exchange of information (other than through mutual legal assistance) with other countries in connection with investigations, inquiries and proceedings relating to the financing of terrorism, of terrorist acts and of terrorist organisations?

<i>Type of investigation, inquiry or proceeding</i>		<i>Applicable law, arrangement or other mechanism</i>
a.	criminal	Y 116 Under Anti-Terrorism, Crime and Security Act 2001, assistance can be provided by a range of public authorities to any other body at home or abroad where the provision of information relates to an actual or potential criminal investigation or proceedings. Law enforcement and regulators also have other gateways for cooperation - e.g. Financial Services and Markets Act 2000 117
b.	civil enforcement	Y 118 See above 119
c.	administrative ⁸	Y 120 See above 121

[References for V.3: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraphs 2b, 2f and 3b, S/RES/1373 (2001)]

⁷ "Mutual legal assistance" as used here means the power to provide a full range of both non-coercive and coercive mutual legal assistance, including the taking of evidence, the production of documents for investigation or as evidence, the search and seizure of documents or things relevant to criminal proceedings or to a criminal investigation, the ability to enforce a foreign restraint, seizure, forfeiture or confiscation order in a criminal matter.

⁸ This category refers to inquiries made on behalf of financial regulatory bodies or certain types of financial intelligence units (FIUs) and which do not fall into the two other categories indicated.

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V.4 If 'yes' to V.3 above, please indicate the number of requests received by your jurisdiction during the past twelve months, the number answered, and the average time to respond.

	<i>N° of requests received</i>	<i>N° requests answered</i>	<i>Average response time</i>
Y 122	NOT AVAILABLE 123	Not Available 124	Not Available 125

V.5 Does your jurisdiction have specific measures in place that permit competent authorities to deny 'safe haven' (i.e., access to your jurisdiction or permission to reside there) for those individuals involved in the financing of terrorism, of terrorist acts or of terrorist organisations?

	<i>Measure(s)</i>	<i>Applicable law or regulation</i>
Y 126	Denial of immigration status or indefinite detention for those who cannot be deported under the ECHR 127	Anti-Terrorism, Crime and Security Act 2001, various immigration acts 128

[References for V.5: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 2c, S/RES/1373 (2001)]

V.6 As a means of denying 'safe haven' to persons charged with the financing of terrorism, of terrorist acts or of terrorist organisations, does your jurisdiction have specific measures in place, such as...

		<i>Measure(s)</i>	<i>Applicable law or regulation</i>	
a.	border controls to prevent the movement of terrorists or terrorist organisations?	Y 129	Power to examine those at a port suspected of entering or leaving the UK; denial of visa etc; 130	Terrorism Act 2000 131
b.	controls to prevent issue of identity papers and travel documents to terrorists?	Y 132	UK does not issue ID papers. Denial of visas, immigration status etc where appropriate; administrative controls on issuing passports, including checks with appropriate police and security service authorities as appropriate 133	134
c.	measures to prevent forgery or fraudulent use of identity papers and travel documents by terrorists or terrorist organisations?	Y 135	Specific anti-terrorist measures in this area are intelligence led 136	Forgery and Counterfeiting Act 137
d.	any other measures?	Y 138	Proscription of Terrorist Organisations; various intelligence-led monitoring and disruption measures (covert and overt) 139	Various, including ATCS Act 2001, Terrorist Act 2000 etc. 140

[References for V.6: Paragraph 3.2 of "Guidance on Submission of Reports" (see note 1); paragraph 2g, S/RES/1373 (2001)]

V.7 Does your jurisdiction have procedures in place to permit the extradition of individuals involved in the financing of terrorism, of terrorist acts or of terrorist organisations? If 'yes', please also indicate any prohibitions or restrictions in this regard.

	<i>Prohibition or restriction</i>	<i>Applicable law or regulation</i>
Y 141	No special restrictions on extradition for terrorism offences 142	Extradition Act 1989 143

V.8 Does your jurisdiction have (legislative or regulatory) provisions or other procedures to ensure that claims of political motivation are not recognised as a ground for refusing requests to extradite persons alleged to have been involved in terrorist financing or terrorist acts? Please answer 'yes' or 'no', describe the measures and cite the applicable law or regulation.

	<i>Measures</i>	<i>Applicable law, regulation or other procedure</i>
Y 144	Political motivation for a terrorist offence will not preclude extradition for that offence. 145	Extradition Act 1989 146

[References for V.8: Paragraph 3.2, "Guidance on Submission of Reports" (see note 1); paragraph 3g, S/RES/1373 (2001)]

V.9 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

Amending legislation which will substantially simplify extradition legislation is proposed for mid 2002 147

VI. Alternative Remittance

Each country should take measures to ensure that persons or legal entities, including agents, that provide a service for the transmission of money or value, including transmission through an informal money or value transfer system or network, should be licensed or registered and subject to all the FATF Recommendations that apply to banks and non-bank financial institutions. Each country should ensure that persons or legal entities that carry out this service illegally are subject to administrative, civil or criminal sanctions.

VI.1 Does your jurisdiction have specific provisions (legal or regulatory) that require persons or legal entities providing money remittance or transfer services⁹ to be licensed or registered? Do these requirements **also** apply to informal money or value transfer systems or networks¹⁰? Please select 'yes' or 'no' and cite the applicable law(s) or regulation(s).

	<i>Must be licensed?</i>	<i>Must be registered?</i>	<i>Applicable law(s) or regulation(s)</i>
a. Money remittance or transfer service	N 148	Y 149	Money Laundering Regulations 2001 150
b. <u>Including</u> informal money/value transfer systems?	N 151	Y 152	Money Laundering Regulations 2001 153

VI.2 Are money remittance/transfer services, including informal money or value transfer systems, in your jurisdiction subject to key FATF Recommendations applicable to banks and non-bank financial institutions (R. 10, 11, 12 and 15)? Please select 'yes' or 'no' for each Recommendation and cite the applicable law or regulation.

<i>FATF Recommendation¹¹</i>	<i>Applies to money remitters?</i>	<i>Applicable law or regulation</i>	<i>Informal money / value transfer systems are also included?</i>
R. 10 (identification of the customer and recording of this information)	Y 154	Money Laundering Regulations 1993/2001 155	Y 156
R. 11 (identification of the true identity of the person on whose behalf a transaction is conducted)	Y 157	Money Laundering Regulations 1993/2001 158	Y 159
R. 12 (maintenance for at least five years of records on transactions)	Y 160	Money Laundering Regulations 1993/2001 161	Y 162
R. 15 (requirement to report to competent authorities when it is suspected that funds involved stem from criminal activity)	Y 163	The existing UK law on money laundering is found in: the Criminal Justice Act 1988; the Criminal Justice Act 1993 as it amends those Acts; Terrorism Act 2000, Anti-Terrorism, Crime and Security Act 2001, the Drug Trafficking Act 1994; the Criminal Law (Consolidation) (Scotland) Act 1995; and the Proceeds of Crime (Northern Ireland) Order 1996. The Money Laundering Regulations 1993 (Regulation 2(3) defines money laundering and Regulation 14(d) requires	Y 165

⁹ The term 'money remittance or transfer service' refers to those non-bank financial institutions that move funds for individuals or entities through their own network or through the regulated banking network. For the purposes of assessing compliance with the FATF Recommendations, money remitter/transfer services are included as one of the four principal NBF categories and are thus considered to be part of the 'regulated' financial sector. Nevertheless, such services are used in some laundering or terrorist financing operations, often as part of a larger alternate remittance or underground banking scheme.

¹⁰ The term 'informal money or value transfer system' also refers to systems or networks whereby funds or value are moved from one geographic location to another; however, in some jurisdictions, these informal systems have traditionally operated outside the regulated financial sector (in contrast to money remittance or transfer services). To obtain a clear picture of the situation in each jurisdiction, an artificial distinction has been made for some questions between the informal and formal transfers systems. Some examples of informal systems include the parallel banking system found in the Americas (often referred to as 'Black Market Peso Exchange'), the *hawala* or *hundi* system of South Asia, and the Chinese or East Asian systems. For more information on this topic, see the FATF-XI Typologies Report (3 February 2000) or the Asia Pacific Group Report on Underground Banking and Alternate Remittance Systems (18 October 2001).

¹¹ The full text of these and the other FATF Recommendations may be consulted through the FATF website at: www.fatf-gafi.org/40Recs_en.htm.

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FATF Recommendation¹¹

Applies to money remitters?

Applicable law or regulation

Informal money / value transfer systems are also included?

the reporting of all offences of suspected money laundering. The Money Laundering Regulations 2001 clarifies the situation for money service businesses. ¹⁶⁴

VI.3 Has your jurisdiction designated specific competent authorities to oversee the licensing or registration of money transmission services, including informal money or value transfer systems, and is there an authority for ensuring that these services comply with the relevant FATF Recommendations? Please answer 'yes' or 'no' and indicate the name of the competent authority or authorities.

- N ¹⁶⁶ *Licensing authority*
- Y ¹⁶⁸ *Registration authority*
- Y ¹⁷⁰ *Authority ensuring compliance with relevant FATF Recommendations*

Name of authority

n/a ¹⁶⁷
HM Customs and Excise ¹⁶⁹
HM Customs and Excise ¹⁷¹

VI.4 Are persons or entities in your jurisdiction that conduct money transmission services, including informal money/value transfer systems, without proper authorisation or that fail to comply with key FATF Recommendations (R. 10, 11, 12 and 15) subject to administrative, civil or criminal sanctions? Please select 'yes' or 'no' for each category, indicate the type(s) of sanction, and cite the applicable law or regulation.

	<i>Sanction?</i>	<i>Nature of sanction(s)</i>	<i>Applicable law or regulation</i>
a. <i>Failure to obtain a licence</i>	N ¹⁷²	173	174
b. <i>Failure to register</i>	Y ¹⁷⁵	Civil ¹⁷⁶	Money Laundering Regulations 2001 ¹⁷⁷
c. <i>Failure to comply with the principles contained in FATF Recommendations.</i>	Y ¹⁷⁸	Civil and Criminal ¹⁷⁹	Criminal Justice Act 1988; the Criminal Justice Act 1993 as it amends those Acts; Terrorism Act 2000, Anti-Terrorism, Crime and Security Act 2001, the Drug Trafficking Act 1994; the Criminal Law (Consolidation) (Scotland) Act 1995; and the Proceeds of Crime (Northern Ireland) Order 1996; Money Laundering Regulations 2001; The Money Laundering Regulations 1993 (Regulation 2(3) defines money laundering and Regulation 14(d) requires the reporting of all offences of suspected money laundering. The Money Laundering Regulations 2001 clarifies the situation for money service businesses. ¹⁸⁰

VI.5 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

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[END C] ¹⁸² [For Secretariat use only]

VII. Wire transfers

Countries should take measures to require financial institutions, including money remitters, to include accurate and meaningful originator information (name, address and account number) on funds transfers and related messages that are sent, and the information should remain with the transfer or related message through the payment chain.

Countries should take measures to ensure that financial institutions, including money remitters, conduct enhanced scrutiny of and monitor for suspicious activity funds transfers which do not contain complete originator information (name, address and account number).

VII.1 Are financial institutions in your jurisdiction required by law or regulation to include information on the originator (name, address, account number¹²) of funds transfers (either accompanying the transfer itself or contained in related messages) sent within or from your jurisdiction? Please indicate 'yes' or 'no' for each category and cite the applicable law or regulation.

<i>Type of institution</i>		<i>Applicable law or regulation</i>	
a.	Banks	Y 183	Identity is verified under Money Laundering Regulations 1993 and the FSA's Money Laundering Rules. Information is included with message under the Joint Money Laundering Steering Group Guidance Notes for the Financial Sector. 184
b.	Bureaux de change	NA 185	n/a 186
c.	Money remittance/transfer services	N 187	Identity is verified but not necessarily included with the message 188
<i>Other financial institutions¹³ (please specify)</i>			
d.	189	N 190	191
e.	192	N 193	194

VII.2. Are financial institutions in your jurisdiction required by law or regulation to retain information on the originator of funds transfers (either accompanying the transfer itself or contained in related messages) as it passes through the payment chain? Please indicate 'yes' or 'no' for each category and cite the applicable law or regulation.

<i>Type of institution</i>		<i>Applicable law or regulation</i>	
a.	Banks	Y 195	Under the Money Laundering Regulations 1993 all relevant records must be retained. The JMLSG guidance notes require this information to be passed with the funds in any accompanying message so far as is technically possible within messaging systems. 196
b.	Bureaux de change	NA 197	198
c.	Money remittance/transfer services	Y 199	Under the Money Laundering Regulations 1993 all relevant records must be retained. The industry is drawing up appropriate guidance on what information must be passed with the funds. 200
<i>Other financial institutions (please specify)</i>			
d.	201	N 202	203
e.	204	N 205	206

VII.3. Are financial institutions required by law or regulation to conduct enhanced scrutiny of funds transfers or monitor these transactions for suspicious activity when incomplete information on the originator is available? Please select 'yes' or 'no' for each of the categories, describe the measure(s) and cite the applicable law or regulation.

<i>Type of institution</i>		<i>Measure(s)</i>	<i>Applicable law or regulation</i>
a.	Banks	Y 207	Where mandatory fields in proprietary messaging systems are left blank, the message is automatically rejected. 208
b.	Bureaux de change	NA 210	211
			212

¹² When the funds are being transferred from an account.

¹³ Such as stockbrokers, insurance companies, etc.

<i>Type of institution</i>		<i>Measure(s)</i>	<i>Applicable law or regulation</i>
c. Money remittance/transfer services	N 213	214	215
Other financial institutions (<i>please specify</i>)			
d. 216	N 217	218	219
e. 220	N 221	222	223

VII.4 FUTURE ACTION or FURTHER EXPLANATION: If you answered 'no' to any of the above questions, please specify in the space below the measures you intend to take to comply fully with this Special Recommendation by June 2002. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

CLARIFICATION:

The Money Laundering Regulations 1993, which are legally binding on the UK's Financial Services Sector, are supplemented by the Guidance Notes of the Joint Money Laundering Steering Group. In addition, the Financial Services Authority's Rules are binding on those financial institutions which it regulates.

VII.1

The JMLSG Guidance Notes require inclusion of name and address information. The Money Laundering Regulations 1993 require the verification of name and address information to the extent that there is a business relationship with the originator.

VII. 2(i) Banks

In practice, UK banks pass on whatever originator information they receive, provided that the message system used contains sufficient field space for that data to be preserved.

VII. 3(i) Banks

No specific law or regulation applies. However, inadequate originator information may well be picked up via routine monitoring of transactions for suspicious activity more generally (e.g. where NCCT's are concerned). This kind of monitoring is required explicitly under the Financial Services Authority's Money Laundering Rules. Where mandatory fields are left blank, the transfer will be rejected as a matter of course.

MEASURES TO BE TAKEN TO ENSURE COMPLIANCE:

A working group of public and private sector representatives is to consider what additional measures might be possible through unilateral action whilst international norms are agreed.

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VIII. Non-profit organisations¹⁴

Countries should review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism. Non-profit organisations are particularly vulnerable, and countries should ensure that they cannot be misused:

- (i) by terrorist organisations posing as legitimate entities;
- (ii) to exploit legitimate entities as conduits for terrorist financing, including for the purpose of escaping asset freezing measures; and
- (iii) to conceal or obscure the clandestine diversion of funds intended for legitimate purposes to terrorist organisations.

VIII.1 Does your jurisdiction require legal entities (juridical persons) or other relevant entities used for commercial or non-commercial purposes (other than financial institutions) to obtain a license and/or to register with competent government authorities? Please choose 'yes' or 'no' for each type of entity, indicating whether such entities exist in your jurisdiction, whether these entities must be licensed and/or registered, the licensing and/or registering authority, and then cite the applicable law or regulation.

¹⁴ It should be noted that important work on the misuse of corporate vehicles is being carried out through the ongoing review of the FATF Forty Recommendations.

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Type of entity	Exist?	License	Register	Competent authority	Applicable law or regulation
a. Public limited companies ¹⁵	Y ²²⁵	Y ²²⁶	Y ²²⁷	Registrar of Companies ²²⁸	Various, including Companies Act 1985 ²²⁹
b. Private limited companies ¹⁶	N ²³⁰	N ²³¹	N ²³²	233	234
c. Offshore companies ¹⁷	N ²³⁵	N ²³⁶	N ²³⁷	238	239
d. Trusts and/or foundations ¹⁸	Y ²⁴⁰	Y ²⁴¹	Y ²⁴²	Depends on the nature of the Trust ²⁴³	Depends on the nature of the trust ²⁴⁴
e. Non-profit organisations Other (please specify)	N ²⁴⁵	N ²⁴⁶	N ²⁴⁷	248	249
f. Charities ²⁵⁰	Y ²⁵¹	Y ²⁵²	Y ²⁵³	Charity Commission ²⁵⁴	Charities Act 1993 ²⁵⁵

VIII.2 Do the competent authorities (administrative and/or judicial) in your jurisdiction have access to information relating to the licensing or registration of the entities indicated in VIII.1 above and under what conditions? Please select 'yes' or 'no' for each category.

Type of entity	Administrative authorities	Judicial authorities	Further explanation of conditions
a. Public limited companies	Y ²⁵⁶	Y ²⁵⁷	public access ²⁵⁸
b. Private limited companies	N ²⁵⁹	N ²⁶⁰	261
c. Offshore companies	N ²⁶²	N ²⁶³	264
d. Trusts and/or foundations	Y ²⁶⁵	Y ²⁶⁶	depends on the nature of the trust ²⁶⁷
e. Non-profit organisations Other (please specify)	N ²⁶⁸	N ²⁶⁹	270
f. Charities ²⁷¹	Y ²⁷²	Y ²⁷³	The Charity Commission maintains a register of charities and receives and monitors accounts for all charities above a certain income band. It may disclose any information it gathers in pursuit of its statutory function (the regulation of charities) to any person or body while discharging a public function either in the UK or abroad. ²⁷⁴

VIII.3. Are there any further requirements or restrictions imposed on legal or other types of entities operating in your jurisdiction, such as...

a. to maintain records?

Type of entity		Nature of requirement	Applicable law or regulation
(1) Public limited companies	Y ²⁷⁵	numerous record keeping requirements ²⁷⁶	Various - e.g. Companies Act 1985 ²⁷⁷
(2) Private limited companies	N ²⁷⁸	279	280
(3) Offshore companies	N ²⁸¹	282	283
(4) Trusts or foundations	Y ²⁸⁴	depends on the nature of the trust ²⁸⁵	depends on the nature of the trust ²⁸⁶
(5) Non-profit organisations Other (please specify)	N ²⁸⁷	288	289
(6) Charities ²⁹⁰	Y ²⁹¹	Charities are required to maintain and keep such records as will details its activities and how its funds are spent. ²⁹²	Charities Act 1993, Charities Act 1993, The Charities (Accounts and Reports) Regulations 1995 & 2000 ²⁹³

b. to publish annual (financial) reports, or to file periodic declarations/reports to competent authorities (for example, to maintain tax exempt status if applicable)?

¹⁵ This category **does not include** companies that are listed on a stock exchange or bourse.

¹⁶ Some examples of 'private limited companies' include *société par actions à responsabilité limitée (SARL)*, *Gesellschaft mit beschränkter Haftung (GmbH)*, *Limited Liability Corporation (LLC)*, etc.

¹⁷ This category includes limited liability entities that may be incorporated in certain jurisdictions but which do not fall under a separate or privileged regulatory regime. Such entities may be used to own and operate businesses, issue shares or bonds, or raise capital in other manners. They are generally exempt from local taxes and may be prohibited from doing business in the jurisdiction in which they are incorporate. The *International Business Corporation (IBC)* is an example of such an entity.

¹⁸ This category primarily concerns 'private foundations or establishments' that exist in some civil law jurisdictions and which may engage in commercial or non-profit activities. Some examples of these entities include *Stiftung*, *stichting*, *Anstalt*, etc.

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<i>Type of entity</i>		<i>Nature of requirement</i>	<i>Applicable law or regulation</i>
(1) Public limited companies (not listed)	Y 294	annual accounts and reports must be filed ²⁹⁵	various, including Companies Act 1985, Companies Act 1989 etc ²⁹⁶
(2) Private limited companies	N 297	298	299
(3) Offshore companies	N 300	301	302
(4) Trusts and/or foundations	Y 303	depends on the nature of the trust ³⁰⁴	depends on the nature of the trust ³⁰⁵
(5) Non-profit organisations	N 306	307	308
(6) Charities ³⁰⁹ <i>Other (please specify)</i>	Y 310	Make annual returns to Charity Commission and accounts (where income exceeds £10,000) and on activities of charity ³¹¹	Charities Act 1993, Charities Act 1993, The Charities (Accounts and Reports) Regulations 1995 & 2000 ³¹²

c. not engaging in certain types of (political advocacy, for profit, etc.) activities?

<i>Type of entity</i>		<i>Nature of restriction</i>	<i>Applicable law or regulation</i>
(1) Public limited companies	N 313	314	315
(2) Private limited companies	N 316	317	318
(3) Offshore companies	N 319	320	321
(4) Trusts and/or foundations	Y 322	Trustees actions governed by the nature of the trust ³²³	Common Law ³²⁴
(5) Non-profit organisations	N 325	326	327
(6) Charities ³²⁸ <i>Other (please specify)</i>	Y 329	Charities may only engage in "charitable activities" which have to be in the general public benefit. This would not include "political" activities ³³⁰	Common Law ³³¹

VIII.4 In your jurisdiction, are there obstacles for competent authorities in identifying the beneficial owner(s) and directors/ officers of a company or organisation, or the beneficiaries of legal entities? Please choose 'yes' or 'no' for each category. If 'yes', please indicate the nature of the obstacle(s).

<i>Type of entity</i>	<i>Beneficial owner(s)</i>	<i>Company directors/ officers</i>	<i>Beneficiaries (of legal entities)</i>	<i>Nature of the obstacle(s)</i>
a. Public limited companies (not listed)	N 332	N 333	Not Applicable	334
b. Private limited companies	N 335	N 336	Not Applicable	337
c. Offshore companies	N 338	N 339	N 340	341
d. Trusts and/or foundations	N 342	N 343	N 344	345
e. Non-profit organisations	N 346	N 347	N 348	349
f. Charities ³⁵⁰ <i>Other (please specify)</i>	N 351	N 352	N 353	354

VIII.5 **FUTURE ACTION or FURTHER EXPLANATION:** If you answered 'no' to any of questions VIII.1 to VIII.3 or 'yes' to any categories of question VIII.4, please specify in the space below the measures you intend to take by June 2002 to ensure that entities in your jurisdiction cannot be misused for the financing of terrorism. You may also use this space to provide any clarifying or supplemental information relating to this Special Recommendation.

The UK does not recognise the term 'non-profit organisation' as a legal category. However, the term 'charity' applies to the sector relevant to this recommendation. The Charity sector is regulated by the Charity Commission, which has a number of powers to aid the investigation of abuse in charities such as links with terrorist organisations. These powers include the capacity to:

Direct a person to furnish accounts and statements in writing with respect to any matter in question at the Inquiry;

Direct a person to return answers in writing to questions or inquiries addressed to him or her;

Direct a person to furnish copies of documents in his or her custody or control;

Require by Order any person to furnish them with information that relates to any charity;

Direct a person to attend at a specified time and place and give evidence and produce documents;

Order persons not to part with charity property [including the freezing of bank accounts];

Order debtors not to make payments to the charity;

Restrict charity transactions [effectively to freeze the activities of a charity];

Suspend trustees, officers, agents, and employees;

Appoint additional trustees;

Appoint a Receiver and Manager;

Remove trustees, officers, agents, and employees.

Failure to comply with most of these powers constitutes a criminal offence or contempt of court. [Orders of the Commissioners have the same effect as if issued by the High Court].

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[END D] 356

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