



Chapter 1: Charities and terrorism

Counter-terrorism legislation - an overview

There's no international consensus on the legal definition of terrorism. In this guidance, when the Charity Commission ('the Commission') refers to terrorism and related terms, it's using the definition used in UK criminal law as set out in the **Terrorism Act 2000**. The full wording of this can be found at legislation.gov.uk.¹

The Terrorism Act 2000 is the primary piece of counter-terrorism legislation in the UK. It was passed on 20 July 2000 and came into force on 19 February 2001.

Other relevant legislation includes:

The Anti-Terrorism, Crime and Security Act 2001

Terrorism Act 2006

Counter Terrorism Act 2008

Terrorist Asset Freezing etc Act 2010

Terrorism Prevention and Investigations Measures Act 2011

Protection of Freedoms Act 2012

Counter Terrorism and Security Act 2015

These create a number of offences related to terrorism, including fundraising for and the financing and support of terrorist activities, running terrorist training activities and encouraging terrorism. They give a number of powers to the police to help in investigating and dealing with terrorism. The Terrorism Act 2000 provides a power for the Home Secretary to 'proscribe' organisations. This affects charities and their trustees in a number of ways, particularly where proscribed groups, terrorist financing and duties to report suspicions are concerned. Under the Terrorist Asset Freezing etc Act 2010, persons or entities are designated because HM Treasury has reasonable grounds to suspect (in the case of an interim designation) or believe (in the case of a final designation) that:

- they are or have been involved in terrorist activity
- are owned, controlled or acting on behalf of or at the direction of someone who does

¹ It should be noted that the legislation on the website appears as first published and does not necessarily show any amendments or if it has been repealed.

The Terrorism Act 2000 creates a number of offences including:

- being a member of a proscribed organisation
- arranging a meeting to encourage support for a proscribed organisation or that's addressed by a person who belongs to one
- raising funds for or donating money to a proscribed organisation
- receiving or providing money or property where it's intended, or there's reasonable cause to suspect that it may be used for the purposes of terrorism
- facilitating the laundering of terrorist money
- failing to report suspicions of terrorist finance offences to the police

The Terrorism Act 2006 includes other offences concerned with:

- preparation of terrorist acts
- providing training for terrorism or receiving the training
- attending any place, whether in the UK or elsewhere, where terrorism training is being conducted
- encouraging terrorism, including publishing statements that encourage and glorify terrorist acts

The Terrorist Asset Freezing etc Act 2010 includes offences concerned with:

- making funds, financial services or economic resources available to or for the benefit of a designated person
- dealing with funds or economic resources owned, held or controlled by a designated person

Of particular relevance in the Terrorism Act 2000 are the amendments made (by the Counter Terrorism Act 2008) to the reporting requirements of 'belief or suspicion' of offences related to terrorist property, to make clear these apply to the trustees of charities.

The Counter Terrorism and Security Act 2015 includes offences concerned with returning to the UK if under a temporary exclusion order. It amends the Terrorism Act 2000 making it an offence for an insurer to make payments made in response to demands for terrorism purposes where the insurer knows or suspects this to be the case.

It also places the Prevent programme on a statutory footing so that a specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism. This new duty applies specifically to the Higher and Further Education sector, which includes universities and further education colleges, many of which are charitable. These are now under a legal duty to:

- assess the risk of radicalisation in their charity
- develop an action plan to reduce this risk
- train staff to recognise radicalisation and extremism

- work in partnership with other partners
- establish referral mechanisms and refer people to Channel (a multi-agency process designed to safeguard vulnerable people from being drawn into terrorism)
- maintain records and reports to show compliance

Detailed information on the Prevent duty is available within the government's statutory **Prevent guidance**.

There is also secondary legislation that is relevant to counter-terrorism, including **The Afghanistan (Asset-Freezing) Regulations 2011 (SI 2011/1893)** and **The Al-Qaida (Asset-Freezing) Regulations 2011 (SI 2011/2742)**. These are covered in detail in the **Designated individuals and entities** section.

The **Counter-terrorism legislation - a brief description of key Acts** section of Module 11 includes an overview of the contents of these Acts and an outline of some of their key provisions.