



HM Treasury

# Operation of the Terrorist Asset-Freezing Etc. Act 2010:

response to the independent  
reviewer's third report

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response to the independent reviewer's third report

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Presented to Parliament by the  
Commercial Secretary to the Treasury  
by Command of Her Majesty

February 2014

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# Foreword

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I welcome the third report from David Anderson QC covering the last twelve months of operation of the Terrorist Asset-Freezing etc. Act 2010 ("TFAFA 2010").

David Anderson's report forms an accessible and informative update to his first report on the operation of the asset freezing provisions under the Act and provides an important evaluation of the Treasury's exercise of their powers under the Act between September 2012 and September 2013.

I welcome the recommendations made in the report which highlights the importance of making the best possible use of all of the Government's Counter-Terrorism tools and powers in the fight against terrorism. This document sets out the Government's response to the recommendations. The response has been agreed with departments and agencies with an interest in the operation of these provisions.



Lord Deighton

Commercial Secretary to the Treasury





# 1

## Response to recommendations

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### Procedures for designation and review

#### Recommendation 11

High-level consideration should be given to the practical role that TAFE 2010 may realistically be expected to play in the fight against terrorism, on its own or in conjunction with other financial and non-financial measures.

**1.1** The Government recognises the importance of making the most appropriate and effective use of all available tools and powers to combat terrorism. Senior-level interdepartmental discussions continue to take place on the best use of HMG's terrorist asset freezing powers and the way that those powers can be used to best effect. We will continue those discussions during the course of the next year, aiming to ensure that our terrorist asset freezing powers continue to be used and administered in an effective and proportionate way to help protect the public from the threat of terrorism.

#### Recommendation 12

Mechanisms should be put in place to ensure that designation under TAFE 2010 is considered in all cases where it could be beneficial. In particular, and subject to the conclusions under Recommendation 11, the possibility of designation should be routinely considered in cases where TPIMs and proscription are being contemplated, when suspected terrorists are arrested or charged and in cases where deportations, deprivations of citizenship or passport removal are contemplated on national security grounds.

**1.2** The Government agrees that TAFE designations should be considered in all cases where they may be beneficial. The Treasury is advised by law enforcement and security agencies of the individuals and entities against whom TAFE designation might be appropriate. Those agencies are best placed to decide and advise on the most appropriate mechanisms to disrupt terrorist activity by a person or entity. Law enforcement and security agencies already have processes in place to consider the various options to disrupt terrorist-related activity. However, the Treasury will continue to work closely with partner agencies to raise the awareness of asset freezing, its effects and requirements for designation with partner agencies to aid their consideration of the appropriate disruptive tools to use.





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Correspondence Team

HM Treasury

1 Horse Guards Road

London

SW1A 2HQ

Tel: 020 7270 5000

E-mail: [public.enquiries@hm-treasury.gov.uk](mailto:public.enquiries@hm-treasury.gov.uk)

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