



HM Treasury

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

Response to the independent
reviewer's fourth report



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

Response to independent reviewer's fourth report

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

July 2015

Cm 9118



© Crown copyright 2015

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit nationalarchives.gov.uk/doc/open-government-licence/version/3 or write to the Information Policy Team, The National Archives, Kew, London TW9 4DU, or email: psi@nationalarchives.gsi.gov.uk.

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at www.gov.uk/government/publications

Any enquiries regarding this publication should be sent to us at public.enquiries@hmtreasury.gsi.gov.uk

Print ISBN 9781474123877

Web ISBN 9781474123884

ID 13071534 07/15

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by the Williams Lea Group on behalf of the Controller of Her Majesty's Stationery Office

Contents

		Page
Foreword		3
Chapter 1	Response to recommendations	5

Foreword

I welcome the fourth report from David Anderson QC covering the operation of the Terrorist Asset-Freezing etc. Act 2010 (“TAFAs 2010”) from 17 September 2013 to 16 September 2014.

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 2013 and September 2014.

David Anderson noted in the report that the number of new designations under TAFAs 2010 was greater during this reporting period than in the preceding three years. This positive outcome has been due to both greater outreach efforts by Treasury officials, our excellent and productive relationships with operational partners, including the Police who have increasingly made use of TAFAs 2010 as a disruptive tool through the reporting period.

I welcome the recommendation made in the report which highlights the importance of review group meetings being as rigorous as possible. This document sets out the Government’s response to the recommendation. The response has been agreed with departments and agencies with an interest in the operation of these provisions.



Harriett Baldwin

Economic Secretary to the Treasury

1 Response to recommendations

Procedure for challenge at review group meetings

Recommendation 13

The Chair of AFRG meetings at which new potential designations are discussed should consider adopting a “devil’s advocate” approach, whereby one member of the AFRG is asked to put the case against designation, thus assisting the group in identifying any possible weaknesses in the case put forward. Sufficient material should be provided (including, where appropriate, primary intelligence underlying agency assessments) for this exercise to be performed in a meaningful way.

1.1 The Government recognises the importance of review group meetings being as rigorous as possible, in order to ensure that designations under the Terrorist Asset Freezing etc. Act 2010 are fair, proportionate and legally robust. Operational partners are already challenged to demonstrate how a particular case meets the statutory test for designation both in the information provided before the meeting and at the meeting itself. However the Government agrees that nominating one member of the review group as the ‘challenge champion’, to put the case against designation, could further increase the level of challenge that takes place during the review group meeting and make those meetings even more rigorous.

1.2 The Government agrees that it is beneficial for sufficient material to be provided in order for this function to be carried out. However the Government does not accept that receiving the underlying intelligence underpinning agency assessments would assist this function in most cases. Operational partners are best placed to make assessments of underlying intelligence and explain those assessments to the Treasury. Officials and operational partners will continue to work closely together to ensure that assessments allow for rigorous consideration of both new potential designations and reviews.

HM Treasury contacts

This document can be downloaded from
www.gov.uk

If you require this information in an alternative
format or have general enquiries about
HM Treasury and its work, contact:

Correspondence Team
HM Treasury
1 Horse Guards Road
London
SW1A 2HQ

Tel: 020 7270 5000

Email: public.enquiries@hmtreasury.gsi.gov.uk

ISBN 978-1-4741-2387-7



9 781474 123877