
STATUTORY RULES OF NORTHERN IRELAND

2003 No. 17

MAGISTRATES' COURTS

**Magistrates' Courts (Detention and Forfeiture
of Seized Cash) Rules (Northern Ireland) 2003**

Made - - - - *13th January 2003*

Coming into operation *3rd February 2003*

The Lord Chancellor, in exercise of the powers conferred on him by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981⁽¹⁾, and all other powers enabling him in that behalf, on the advice of the Magistrates' Courts Rules Committee and after consultation with the Lord Chief Justice, hereby makes the following Rules:—

Citation and commencement

1. These Rules may be cited as the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003 and shall come into operation on 3rd February 2003.

Interpretation

2. In these Rules—

- (a) “the Act” means the Proceeds of Crime Act 2002⁽²⁾ and a reference to a Chapter, Part or section alone is a reference to the Chapter, Part or section so numbered in the Act and expressions used have the same meaning as in Chapter 3 of Part 5 of the Act;
- (b) any reference to the clerk of petty sessions is a reference to the clerk of petty sessions for the petty sessions district in which the magistrates' court is to hear or has heard an application under these Rules; and
- (c) a reference to a form by number is a reference to that form so numbered in the Schedule or a form with the same effect.

Prior approval of searches for cash

3.—(1) An application to a justice of the peace under section 290(1) for prior approval of a search for cash under section 289 may be made without notice.

(1) S.I.1981/1675 (N.I. 26)
(2) 2002 c. 29

(2) A justice of the peace may grant such an application without a hearing and may conduct any hearing in private.

First application for continued detention of seized cash

4.—(1) A first application under section 295(4) for an order under section 295(2) for continued detention of cash seized under section 294 shall be made in Form 1 and shall be sent to the clerk of petty sessions for the petty sessions district in which the cash was seized.

(2) Where the reasonable grounds for suspicion which led to the seizure of cash to which an application under section 295(4) relates are connected to the reasonable grounds for suspicion which led to the seizure of other cash to which a previous order made under section 295(2) relates, then the application may be sent to the clerk of petty sessions for the petty sessions district which made the previous order.

(3) Except where paragraph (4) or paragraph (7) applies, a copy of the written application and notification of the hearing of the application shall be given by the applicant to the person from whom the cash was seized.

(4) Where seized cash is found in a means of unattended dispatch, such as an unattended letter, parcel or container, copies of the written application and notification of the hearing of the application shall be sent by the applicant to the sender and intended recipient of the means of unattended dispatch.

(5) Where paragraph (4) applies the applicant is not required to send copies of the written application and notification of the hearing to a sender or intended recipient who cannot be identified.

(6) Where paragraph (4) applies, the court shall not decline to hear an application solely on the ground that it has not been proved that the sender and intended recipient have received a copy of the written application and notification of the hearing.

(7) Where unattended cash is seized (other than where the cash is found in a means of unattended dispatch) the applicant need not give a copy of the written application and notification of the hearing to any person.

Order and notice of order for continued detention of seized cash

5.—(1) An order made under section 295(2) shall be in Form 2.

(2) Notice of any order made under section 295 shall be given without delay by the court to the person from whom the cash was seized and to any other person who is affected by the said order. Notice shall be in Form 3 and shall be accompanied by a copy of the order.

Further application for continued detention of seized cash

6.—(1) An application under section 295(4) for a further order under section 295 for the continued detention of cash shall be in Form 1 and shall be sent to the clerk of petty sessions to whom the first application under section 295(4) was sent and shall be accompanied by a copy of the relevant order for continued detention.

(2) A copy of the application under paragraph (1) shall be given by the applicant to every person to whom notice of previous related orders made under section 295(2) has been given.

(3) The clerk of petty sessions who receives an application in accordance with paragraph (1) shall fix a date for the hearing of the application, shall notify the applicant and every person to whom notice of the previous orders has been given of the date fixed for the hearing which, unless the clerk of petty sessions directs otherwise in any particular case, shall not be within seven days of the date on which the application is received.

(4) A further order for continued detention of cash made under section 295(2) shall be in Form 2 and shall be given by the clerk of petty sessions to every person to whom notice of the previous related orders has been given.

(5) The clerk of petty sessions shall give—

- (a) notice of the order in Form 3, and
- (b) a copy of the order

to any other person other than one referred to in paragraph (4) who is affected by the order.

Applications for release of detained cash

7.—(1) An application under section 297(3) or 301(1) for the release of detained cash shall be made in writing, shall state the grounds on which it is made, and shall be lodged with the clerk of petty sessions for the petty sessions district in which the cash was seized.

(2) If the applicant has been given notice of an order under section 295(2) in respect of the detained cash, then the application shall be sent to the clerk of petty sessions who sent him that notice.

(3) The clerk of petty sessions shall send a copy of the application to—

- (a) the Commissioners of Customs and Excise, if the cash which is the subject of the application was seized by a customs officer;
- (b) the Chief Constable or, as the case may be, the chief officer of the police force to which the constable belongs, if the cash which is the subject of the application was seized by a constable; and
- (c) every person to whom notice of the order made under section 295(2) has been given.

(4) The clerk of petty sessions shall fix a date for the hearing of the application, which, unless he directs otherwise, shall not be earlier than seven days from the date on which it is fixed, and shall notify that date to the applicant and to every person to whom a copy of the application is required to be sent under paragraph (3).

(5) At the hearing of an application under section 301(1) the court may, if it thinks fit, order that the applicant shall be joined as a party to the proceedings in relation to the detained cash.

(6) A direction under section 297(2) shall be in Form 4, an order under section 301(3) shall be in Form 5 and an order under section 301(4) shall be in Form 6.

(7) A direction under section 297(2) and an order under section 301(3) or (4) shall provide for the release of the cash within seven days of the date of the making of the direction or order, as the case may be, or such longer period as, with the agreement of the applicant, may be specified, except that cash shall not be released whilst section 298(4) applies.

Forfeiture

8.—(1) An application under section 298(1) for the forfeiture of detained cash shall be in Form 7 and shall be lodged with the clerk of petty sessions to whom application for the continued detention of the cash under section 295(4) has been sent.

(2) Where no applications in respect of the cash has been made under section 295(4), the application shall be sent to the clerk of petty sessions for the petty sessions district in which the cash was seized, or where the reasonable grounds for suspicion which led to the seizure of cash to which the application for forfeiture relates are connected to the reasonable grounds for suspicion which led to the seizure of cash to which an order made under section 295(2) relates, to the clerk of petty sessions for the petty sessions district of the court which made the order under section 295(2).

(3) A copy of the application shall be given by the applicant to every person to whom notice of an order made under section 295(2) in respect of the detained cash has been given and to any other person identified by the court as being affected by the application.

(4) The clerk of petty sessions who receives such an application shall fix a date for the hearing, shall notify the applicant and every person to whom a copy of the application is required to be sent under paragraph (3). Unless the clerk of petty sessions directs otherwise in any particular case, the date for hearing shall not be within seven days of the date on which the application is received.

Order for forfeiture of detained cash

9. An order for the forfeiture of detained cash made by a magistrates' court under section 298(2) shall be in Form 8 and a copy of the order shall be given to every person to whom notice of an order in respect of detained cash has been given and to any other person known to be affected by the order.

Appeal against order forfeiting cash

10.—(1) Where an appeal against a forfeiture order is made to a county court under section 299(1) the appellant shall, within the period prescribed by section 299, serve on—

- (i) every person to whom notice of the order for continued detention of the cash was given, and
- (ii) any person who has made an application under section 301;

notice of his appeal in writing in Form 9 and shall within the said period serve a copy of such notice on the clerk of petty sessions for the petty sessions district in which the forfeiture order was made.

(2) The notice of appeal to be served on the parties and the copy of the notice to be served on the clerk of petty sessions under paragraph (1) shall be prepared and signed by the appellant or by his solicitor or other duly authorised agent and shall contain his address or that of his solicitor or other duly authorised agent.

(3) The copy of the notice served on the clerk of petty sessions shall be endorsed with the date upon which and the manner in which the notice was served.

(4) As soon as practicable after the clerk of petty sessions has received the notice of appeal, the resident magistrate or justice of the peace from whose order the appeal is to be brought or the clerk of petty sessions shall in Form 10 (“the form of appeal”) set out the terms against which it is to be appealed and that form shall include a certificate signed by the clerk of petty sessions to the effect that notice of appeal has been given.

(5) As soon as practicable after complying with the above paragraphs, the clerk of petty sessions shall—

- (a) send to the chief clerk for the county court division in which the appeal will be heard, the copy of the notice of appeal and the form of appeal duly completed; and
- (b) send to the appellant and to the respondent a copy of the form of appeal.

(6) After the county court has decided an appeal under section 299(1) the chief clerk for the county court division for which that county court is held shall, within seven days of that decision, certify the decision at the foot of the form of appeal and shall transmit the form of appeal to the clerk of petty sessions, who shall enter the decision in the Order Book.

(7) Any notice of abandonment of an appeal under section 299(1) shall be in Form 11.

Application for compensation

11.—(1) An application under section 302(1) for compensation shall be made in writing and shall be lodged with the clerk of petty sessions for the petty sessions district in which the cash was seized and shall specify the grounds on which it is made.

(2) If the applicant has been given notice of an order under section 295(2) in respect of the cash which is the subject of the application, then the application shall be sent to the clerk of petty sessions who sent him that notice.

(3) The clerk of petty sessions shall send a copy of the application to—

- (a) the Commissioners for Customs and Excise, if the cash which is the subject of the application was seized by a customs officer;
- (b) the Chief Constable or, as the case may be, the chief officer of the police force to which the constable belongs, if the cash which is the subject of the application was seized by a constable;

(4) The clerk of petty sessions who receives an application in accordance with paragraph (1) or (2) shall fix a date for the hearing of the application and shall notify the applicant and the person referred to in paragraph (3) of the date fixed for the hearing which, unless the clerk of petty sessions directs otherwise in any particular case, shall not be within seven days of the date on which the application is received.

Notice

12.—(1) Subject to paragraph (2), any notice, notification, copy of any order or any other document required to be given to any person under the provisions of these Rules may be given by ordinary first class post or by facsimile to his last known address.

(2) A notice under rule 10(1) shall be served in accordance with section 24(2) of the Interpretation Act (Northern Ireland) 1954(3).

Procedure at hearing

13.—(1) At the hearing of an application under Chapter 3 of Part 5 any person to whom notice of the application has been given, may attend and be heard on the question whether the application should be granted, but the fact that any such person does not attend shall not prevent the court from hearing the application.

(2) At the hearing of an application under Chapter 3 of Part 5, the court shall require the matters contained in the application to be sworn by the applicant under oath, may require the applicant to answer any questions under oath and may require any response from the respondent to the application to be made under oath.

(3) The court shall record or cause to be recorded in writing the substance of any statements made under oath which are not already recorded in the written application.

14. The Magistrates' Courts Rules (Northern Ireland) 1984(4) shall have effect subject to the provisions of these Rules.

Dated 13th January 2003

Irvine of Lairg, C.

(3) 1954 c. 33 (N.I.)
(4) S.R. 1984 No. 225

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SCHEDULE

FORM 1 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 295(4), Rules 4 and 6) **First/Further Application for Continued Detention of Seized Cash**

of	} Applicant	Petty Sessions District of
of		County Court Division of
	} Respondent(s)	

Person from whom cash seized*

Address of that person*

Names and addresses of any other persons likely to be affected by an order for detention of the cash (if known)

Amount seized/Estimated amount seized (only in the case of a first application for continued detention**)

Amount to which reasonable grounds of suspicion apply/Estimated amount to which reasonable grounds for suspicion apply (only in the case of a first application for continued detention**) where it is not reasonably practicable to detain only that part

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

I TAKE NOTICE that I (name of applicant) of (address and official position of applicant) intend to apply to a magistrates' court sitting at on at (time) for an order under section 295(2) of Proceeds of Crime Act 2002 authorising the continued detention of the above-mentioned cash and will state upon oath that one of the two grounds below is satisfied in relation to all of the cash/the sum of but it is not reasonably practicable to detain only that part of the cash:**

1. There are reasonable grounds for suspecting that the cash is recoverable property and that either

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- (a) its continued detention is justified while its derivation is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
- (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.

2. There are reasonable grounds for suspecting that the cash is intended to be used in unlawful conduct and that either –

- (a) its continued detention is justified while its intended use is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
- (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.

(state grounds)

Dated this _____ day of _____ 20__.

Signed

To Clerk of Petty Sessions

NOTES TO THE APPLICANT:

First Application – You must give a copy of this application and notification of the hearing of it to the person from whom the cash was seized ***

Further Application – This application must wherever possible be submitted to the clerk of petty sessions before the expiry of the last period of detention that was ordered by the court. You must give a copy of this application to the person from whom the cash was seized and any other person specified in any order made under section 295(2) of the Proceeds of Crime Act 2002 ***

* In the case of unattended dispatch such as a letter, parcel or container, insert names and addresses, if known, of sender and intended recipient. In the case of any other unattended cash, state that you believe the cash was unattended and explain your grounds for believing that the cash was unattended.

** Delete as appropriate

*** In the case of a means of unattended dispatch such as letter, parcel or container, the copy application and, if applicable, notification of hearing should be given to the sender and intended recipient (if known), rather than the person from whom the cash was seized. In the case of any other unattended cash, there is no requirement to give the copy application and, if applicable, notification of hearing to the person from whom the cash was seized.

FORM 2PROCEEDS OF CRIME ACT 2002MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003(section 295(2), Rules 5 and 6(4))**Order/ Further Order for Continued Detention of Seized Cash**

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of _____
 Applicant
 of _____
 Respondent(s)

} Petty Sessions District of _____
 County Court Division of _____

Date of hearing

Person from whom cash seized*

Address of that person*

Amount seized/Estimated amount seized (only in the case of a first order for continued detention)**

Amount to which reasonable grounds of suspicion apply/Estimated amount to which reasonable grounds for suspicion apply (only in the case of a first order for continued detention) ** where it is not reasonably practicable to detain only that part.

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

Names and addresses of any other persons whom the court has identified as being affected by this order

On the application of _____ (*surname of applicant*), after hearing oral evidence from the applicant [and representations from _____ (*surname*), being the person from whom the cash was seized/a person likely to be affected by the order].

Decision

It is ordered that the above-mentioned cash be continued to be detained for a period of *(state period up to a maximum of three months from the date of this order, and not beyond the end of a period of two years from the date of the first order)* from the date of this order or until its release may be sooner directed.

Important

Notice of this order must be given without delay to the person from whom the cash was seized and to any other person specified in this order as being affected by it. Such notice shall be in the prescribed form (Form 3 in the Schedule to the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003) and shall be accompanied by a copy of this order.

Dated this _____ day of _____ 20_____.

Signed

[Resident Magistrate]
[Justice of the Peace]
[Clerk of Petty Sessions]

* In the case of a means of unattended dispatch such as a letter, parcel, or container, insert names and addresses, if known, of sender and intended recipient. In the case of any other unattended cash, state that the cash was unattended and state the grounds given by the applicant for believing that the cash was unattended.

** Delete as appropriate.

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FORM 3 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 295(8), Rules 5 and 6(5)) Notice to Persons Affected by Order for Continued Detention of Seized Cash

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of _____
 Applicant
 of _____
 Respondent(s)

} Petty Sessions District of _____
 County Court Division of _____

Name of person from whom cash was seized*
 Amount seized/Estimated amount seized (only in the case of a first order to continued detention)**

Amount to which reasonable grounds of suspicion apply/Estimated amount to which reasonable grounds for suspicion apply (only in the case of a first order for continued detention)** where it is not reasonably practicable to detain only that part.

Date of seizure

Time of seizure

Place of seizure

On (date of order) an order was made under section 295(2) of the Proceeds of Crime Act 2002 authorising the continued detention of the cash for a period of (state period). A copy of the order is enclosed with this notice.

You are being given notice of the order because it appears to the court that you may be affected by it. The person from whom the cash was seized may apply for the release of the detained cash or any part of it under section 297 of that Act. If the cash was in a letter, parcel, container or other means of unattended dispatch, the sender or the attended recipient may make the application.

A person who claims that any cash detained or any part of it belongs to him, may apply for the release of the detained cash or part of it under section 301 of that Act if either

- (i) he was deprived of it or of property which it represents by criminal conduct and the property he was deprived of was not, immediately before he was deprived of it, recoverable property; or
- (ii) the conditions for continuing the cash are no longer met or the court decides not to make a forfeiture order in respect of the cash and no objection has been made by the person from whom the cash was seized.

An application under section 297 or 301 of the Proceeds of Crime Act 2002 should be made in writing to the clerk of petty sessions for the Magistrates' Court which made the order for continued detention of seized cash. The application should state the grounds relied on and identify as clearly as possible the cash referred to.

At the end of the above-mentioned period of detention an application may be made for the further detention of the cash. An application may also be made for forfeiture of the cash.

You will be notified if an application is made, or if any person makes an application to the court for the release of the detained cash.

If you intend to consult a solicitor about these proceedings you should do so at once and hand this notice and the copy of the order to him.

Signed

[Resident Magistrate]
 [Justice of the Peace]
 [Clerk of Petty Sessions]

Date

* In the case of a means of unattended dispatch such as a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and intended recipient. In the case of any other unattended cash, state that the cash was unattended and state the grounds given by the applicant for believing that the cash was unattended.

** Delete as appropriate.

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FORM 4 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 297(2), Rule 7(6)) Direction for Release of Detained Cash under section 297(2) of the Proceeds of Crime Act 2002

of	}	Petty Sessions District of
Applicant		
of	}	County Court Division of
Respondent(s)		

By the magistrates' court sitting at (place) on (date). On the application of (name of applicant), of (address of applicant), after hearing oral evidence from and representations from

Decision

It is directed by the court that the sum of which represents the whole/part* of the sum seized, together with the interest accruing thereon in accordance with section 296(1) of the Proceeds of Crime Act 2002 be released to or to the order of (name) on or before (date not more than 7 days from date of this direction unless a later date is agreed by the applicant).

Dated this day of 20 .

Signed

[Resident Magistrate]
[Justice of the Peace]
[Clerk of Petty Sessions]

Important

You must give a copy of this Direction to any persons affected by it.

* Delete as appropriate.

FORM 5 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 301(3), Rule 7(6)) Order for Release of Detained Cash under section 301(3) of the Proceeds of Crime Act 2002

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of	} Applicant Respondent(s)	Petty Sessions District of
of		County Court Division of

By the magistrates' court sitting at (place) on (date). On the application of (name of applicant), of (address of applicant), after hearing oral evidence from and representations from

It appears to the court that

- (i) the sum below belongs to the applicant;
- (ii) the applicant was deprived of it or of property which it represents by criminal conduct; and
- (iii) that the property the applicant was deprived of was not, immediately before he was deprived of it, recoverable property.

Decision

It is ordered that the sum of which represents the whole/part* of the sum seized, together with any interest accruing thereon in accordance with section 296(1) of the Proceeds of Crime Act 2002, be released to or to the order of (name) on or before (date not more than 7 days from date of this order unless a later date is agreed by the applicant).

Dated this day of 20 .

Signed

[Resident Magistrate]
 [Justice of the Peace]
 Clerk of Petty Sessions]

Important

You must give a copy of this Order to any persons affected by it.

*Delete as appropriate.

FORM 6PROCEEDS OF CRIME ACT 2002MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003(section 301(4), Rule 7(6))Order for Release of Detained Cash under section 301(4) of the Proceeds of Crime Act 2002

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of	}	Petty Sessions District of
Applicant		
of	}	County Court Division of
Respondent(s)		

By the magistrates' court sitting at (place) on (date). On the application of (name of applicant), of (address of applicant), after hearing oral evidence from and representations from

It appears to the court that –

- (i) the sum below was not seized from the applicant;
- (ii) the sum below belongs to the applicant;
- (iii) the conditions in section 295 of the Proceeds of Crime Act 2002 for detaining the sum below are no longer met or the court has decided not to order forfeiture of the sum below under section 298(2) of the Proceeds of Crime Act 2002; and
- (iv) no objection to the making of this order has been made by the person from whom the sum below was seized.

Decision

It is ordered that the sum of which represents the whole/part* of the sum seized, together with any interest accruing thereon in accordance with section 296(1) of the Proceeds of Crime Act 2002, be released to or to the order of (name) on or before (date not more than seven days from the date of this order unless a later date is agreed by the applicant).

Dated this day of 20

Signed

[Resident Magistrate]
 [Justice of the Peace]
 [Clerk of Petty Sessions]

Important

You must give a copy of this Order to any persons affected by it.

* Delete as appropriate.

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o/	}	Applicant	Petty Sessions District of
o/		Respondent(s)	County Court Division of

Name of person from whom cash seized*
 Address*
 Names and addresses of any other persons identified by the court as being affected by this application

 Amount seized
 Date of seizure
 Time of seizure
 Place of seizure
 Date of latest order for continued detention of seized cash (if any)
 Amount detained under latest order for continual detention (if any)
 Amounts released since the latest order for continued detention (if any)

TAKE NOTICE that I (name of applicant) of
 (address and official position of applicant) intend to apply to
 a magistrates' court sitting at on at (time)
 for an order under section 298(2) of the Proceeds of Crime Act 2002 for the forfeiture of cash in the sum of (amount) together with any interest accruing thereon pursuant to section
 296(2) of that Act on the grounds that the said cash -

- (a) is recoverable property, or
- (b) is intended by any person for use in unlawful conduct.

(state grounds)

Dated this day of 20

Signed

Applicant

To: The clerk of petty sessions for the petty sessions district of

Note to the Applicant

You must send a copy of this application to the person from whom the cash was seized and any other person specified in any order made under section 292(2) of the Proceeds of Crime Act 2002.**

Note to copy recipients

If you are not the person from whom the cash was seized but the cash belongs to you and the court decides not to make a forfeiture order, you may apply to the court under section 301(4) of the Proceeds of Crime Act 2002 for the cash to be released to you. You can make an application before the court makes its decision on forfeiture. However, the court will not be able to release the cash to you until the forfeiture proceedings are finished.

* In the case of a means of unattended dispatch such as a letter, parcel or container, insert names and addresses, if known, of sender and intended recipient. In the case of any other unattended cash, state that you believe the cash was unattended and explain your grounds for believing that the cash was unattended.

** In the case of a means of unattended dispatch such as a letter, parcel or container, the copy application and, if applicable, notification of hearing should be given to the sender and intended recipient (if known), rather than the person from whom the cash was seized. In the case of any other unattended cash, there is no requirement to give the copy application, and, if applicable, notification of hearing to the person from whom the cash was seized.

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FORM 8 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 298(2), Rule 9) **Order for Forfeiture of Detained Cash**

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o: }
 Applicant } Petty Sessions District of
 o: }
 Respondent(s) } County Court Division of

Date of hearing

Person from whom cash seized*

Address of that person*

Names and addresses of any other persons whom the court has identified as being affected by the above-mentioned order

Amount seized

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

On the application of *(name of applicant)*, after hearing oral evidence and representations from *(name)*, being the person from whom the cash was seized/a person likely to be affected by the above-mentioned order for continued detention.**

It is ordered that the whole/part** of above-mentioned cash be forfeited

Sum forfeited

Note to the Parties to these proceedings

Any party to the proceedings in which this forfeiture order is made may appeal against the order under section 299 of the Proceeds of Crime Act 2002 to a county court. The appeal must be brought before the end of the period of 30 days beginning with the date on which this order was made.

Dated this day of 20 .

Signed

[Resident Magistrate]
 [Justice of the Peace]
 [Clerk of Petty Sessions]

Important

You must give a copy of this Order to any persons affected by it.

* In the case of a means of unattended dispatch such as a letter, parcel or container, insert names and addresses, if known, of sender and intended recipient. In the case of any unattended cash, state that the cash was unattended and state the grounds given by the applicant for believing that the cash was unattended.

** Delete as appropriate.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

FORM 9 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 299(1), Rule 10) **Notice of Appeal to the County Court**

of	} Petty Sessions District of
Appellant:	
of	} County Court Division of
Respondent(s):	

I/WE, NOTICE that I, *(name of appellant)* intend to appeal to *(date)* against a forfeiture order made by *(place)* on *(date)* magistrates' court on *(date)*.

Dated this *(day)* day of *(month)* 20 *(year)*.

Signed *(signature)* Party appealing

[Solicitor or Agent for Party appealing]

To: *(name and address)*

and to the Clerk of Petty Sessions for the above-named Petty Sessions District.

Served on *(date)*

by

(insert manner of service)

Important

You must give a copy of this Notice to any persons affected by it.

FORM 10 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 299(1), Rule 10) **Form of Appeal to County Court**

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

of	}	Petty Sessions District of
of		County Court Division of
	Appellant	
	Respondent(s)	

I CERTIFY that upon the hearing of an application for the forfeiture of cash under section 298(1) of the Proceeds of Crime Act 2002.

AN ORDER WAS MADE ON _____ (date), by a magistrates' court for the above district forfeiting the cash of _____ (name of person whose cash is subject to forfeiture order).

This _____ day of _____ 20____ .
Clerk of Petty Sessions

I CERTIFY notice of appeal lodged:
This _____ day of _____ 20____ .
Clerk of Petty Sessions

I CERTIFY that upon the hearing of the said appeal on the _____ day of _____, the court ordered that
This _____ day of _____ 20____ .
Chief Clerk

Important
You must give a copy of this Form to any persons affected by it.

FORM 11 PROCEEDS OF CRIME ACT 2002 MAGISTRATES' COURTS (DETENTION AND FORFEITURE OF SEIZED CASH) RULES (NORTHERN IRELAND) 2003 (section 299(1), Rule 10) Notice by Clerk of Petty Sessions to Chief Clerk of abandonment of appeal to the County Court

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

of	}	Petty Sessions District of
Appellant		
of	}	County Court Division of
Respondent(s)		

THIS IS TO GIVE YOU NOTICE that I have received from the above-named Appellant notice that he has abandoned his appeal to the county court against a forfeiture order made by the magistrates' court for the above-named petty sessions district sitting on the day of 20 .

This day of 20 .

Clerk of Petty Sessions

To the Chief Clerk

at

Copy to the Respondent

of

Important

You must give a copy of this Notice to any persons affected by it.

EXPLANATORY NOTE

(This note is not part of the Rules.)

These Rules prescribe the procedure to be followed for applications to a magistrates' court for the detention, further detention, forfeiture or release of cash seized by a constable or customs officer under Chapter 3 of Part 5 of the Proceeds of Crime Act 2002. Cash may be seized by a constable or customs officer on reasonable suspicion that the cash represents the benefit from unlawful conduct or intended for use in unlawful conduct. They also prescribe the procedure to be followed for applications to a magistrates' court for compensation where no forfeiture order is made. These Rules prescribe the forms to be used in connection with the application and hearings.