



# Terrorism Act 2000

## 2000 CHAPTER 11

### PART III

#### TERRORIST PROPERTY

##### *Seizure of terrorist cash*

#### 24 Interpretation.

- (1) In sections 25 to 31 “authorised officer” means any of the following—
  - (a) a constable,
  - (b) a customs officer, and
  - (c) an immigration officer.
- (2) In sections 25 to 31 “cash” means—
  - (a) coins and notes in any currency,
  - (b) postal orders,
  - (c) travellers’ cheques,
  - (d) bankers’ drafts, and
  - (e) such other kinds of monetary instrument as the Secretary of State may specify by order.

#### Commencement Information

- II** S. 24 wholly in force at 19.2.2001; s. 24 not in force at Royal Assent see s. 128; s. 24(2)(e) in force at 31.10.2000 by S.I. 2000/2944, art. 2(c); s. 24 in force at 19.2.2001 in so far as not already in force by S.I. 2001/421, art. 2

*Status: Point in time view as at 19/02/2001.*

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## **25 Seizure and detention.**

- (1) An authorised officer may seize and detain any cash to which this section applies if he has reasonable grounds for suspecting that—
  - (a) it is intended to be used for the purposes of terrorism,
  - (b) it forms the whole or part of the resources of a proscribed organisation, or
  - (c) it is terrorist property within the meaning given in section 14(1)(b) or (c).
- (2) In subsection (1)(b) the reference to an organisation's resources includes a reference to any cash which is applied or made available, or is to be applied or made available, for use by the organisation.
- (3) This section applies to cash which—
  - (a) is being imported into or exported from the United Kingdom,
  - (b) is being brought to any place in the United Kingdom for the purpose of being exported from the United Kingdom,
  - (c) is being brought to Northern Ireland from Great Britain, or to Great Britain from Northern Ireland,
  - (d) is being brought to any place in Northern Ireland for the purpose of being brought to Great Britain, or
  - (e) is being brought to any place in Great Britain for the purpose of being brought to Northern Ireland.
- (4) Subject to subsection (5), cash seized under this section shall be released not later than the end of the period of 48 hours beginning with the time when it is seized.
- (5) Where an order is made under section 26 in relation to cash seized, it may be detained during the period specified in the order.

## **26 Continued detention.**

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court for an order under this section in relation to cash seized under section 25.
- (2) An order under this section—
  - (a) shall authorise the further detention under section 25 of the cash to which it relates for a period specified in the order,
  - (b) shall specify a period which ends not later than the end of the period of three months beginning with the date of the order, and
  - (c) shall require notice to be given to the person from whom the cash was seized and to any other person who is affected by and specified in the order.
- (3) An application for an order under this section may be granted only if the court is satisfied—
  - (a) that there are reasonable grounds to suspect that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c), and
  - (b) that the continued detention of the cash is justified pending completion of an investigation of its origin or derivation or pending a determination whether to institute criminal proceedings (whether in the United Kingdom or elsewhere) which relate to the cash.

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- (4) More than one order may be made under this section in relation to particular cash; but cash shall not be detained by virtue of an order under this section after the end of the period of two years beginning with the date when the first order under this section was made in relation to it.
- (5) In Scotland, any application under this section shall be made by the procurator fiscal to the sheriff; and in this section a reference to a magistrates' court shall be taken as a reference to the sheriff.

## **27 Detained cash.**

- (1) Cash detained under section 25 by virtue of an order under section 26 shall, unless required as evidence of an offence, be held in an interest bearing account; and the interest accruing on the cash shall be added to it on its release or forfeiture.
- (2) Any person may apply to a magistrates' court, or in Scotland to the sheriff, for a direction that cash detained under section 25 be released.
- (3) A magistrates' court or the sheriff shall grant an application under subsection (2) if satisfied—
  - (a) that section 26(3)(a) or (b) no longer applies, or
  - (b) that the detention of the cash is for any other reason no longer justified.
- (4) An authorised officer, or in Scotland the procurator fiscal, may release cash detained under section 25 if—
  - (a) he is satisfied that its detention is no longer justified, and
  - (b) he has notified the magistrates' court or sheriff who made the order by virtue of which the cash is being detained under section 25.
- (5) Cash detained under section 25 shall not be released under this section—
  - (a) while proceedings on an application for its forfeiture under section 28 have not been concluded, or
  - (b) while proceedings, whether in the United Kingdom or elsewhere, which relate to the cash have not been concluded.

## **28 Forfeiture.**

- (1) An authorised officer or the Commissioners of Customs and Excise may apply to a magistrates' court, or in Scotland the procurator fiscal may apply to the sheriff, for an order forfeiting cash being detained under section 25.
- (2) A magistrates' court or the sheriff may grant an application only if satisfied on the balance of probabilities that the cash is cash of a kind mentioned in section 25(1)(a), (b) or (c).
- (3) Before making an order under this section, a magistrates' court or the sheriff must give an opportunity to be heard to any person—
  - (a) who is not a party to the proceedings, and
  - (b) who claims to be the owner of or otherwise interested in any of the cash which can be forfeited under this section.
- (4) An order may be made under this section whether or not proceedings are brought against any person for an offence with which the cash is connected.

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- (5) Proceedings on an application under this section to the sheriff shall be civil proceedings.

## **29 Forfeiture: appeal.**

- (1) Subject to subsection (2), any party to proceedings in which a forfeiture order is made under section 28 may appeal—
- (a) where the order is made by a magistrates' court in England and Wales, to the Crown Court,
  - (b) where the order is made by the sheriff in Scotland, to the Court of Session, or
  - (c) where the order is made by a magistrates' court in Northern Ireland, to the county court.
- (2) An appeal under subsection (1)—
- (a) must be brought before the end of the period of 30 days beginning with the date on which the forfeiture order was made, and
  - (b) may not be brought by the applicant for the forfeiture order.
- (3) On an application by the appellant, a magistrates' court or the sheriff may order the release of so much of the cash to which the forfeiture order applies as it considers appropriate to enable him to meet his reasonable legal expenses in connection with the appeal.
- (4) An appeal under subsection (1) shall be by way of a rehearing.
- (5) If the court allows the appeal, it may order the release of—
- (a) the cash to which the forfeiture order applies together with any interest which has accrued, or
  - (b) where an order has been made under subsection (3), the remaining cash to which the forfeiture order applies together with any interest which has accrued.
- (6) Subsection (7) applies where a successful application for a forfeiture order relies (in whole or in part) on the fact that an organisation is proscribed, and—
- (a) a deproscription appeal under section 5 is allowed in respect of the organisation,
  - (b) an order is made under section 3(3)(b) in respect of the organisation in accordance with an order of the Proscribed Organisations Appeal Commission under section 5(4) (and, if the order is made in reliance on section 123(5), a resolution is passed by each House of Parliament under section 123(5)(b)), and
  - (c) the forfeited cash was seized under section 25 on or after the date of the refusal to deproscribe against which the appeal under section 5 was brought.
- (7) Where this subsection applies an appeal under subsection (1) may be brought at any time before the end of the period of 30 days beginning with the date on which the order under section 3(3)(b) comes into force.

## **30 Treatment of forfeited cash.**

Any cash to which a forfeiture order under section 28 applies or accrued interest thereon shall be paid into the Consolidated Fund—

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- (a) after the end of the period within which an appeal may be brought under section 29(1), or
- (b) where an appeal is brought under section 29(1), after the appeal is determined or otherwise disposed of.

### **31 Rules of court.**

Provision may be made by rules of court about the procedure on applications or appeals to any court under sections 26 to 29, and in particular as to—

- (a) the giving of notice to persons affected by an application or appeal under those provisions;
- (b) the joinder, or in Scotland the sisting, of those persons as parties to the proceedings.

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