

**Changes to legislation:** There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Paragraph 10Z6A. (See end of Document for details)

## SCHEDULES

### SCHEDULE 1

#### FORFEITURE OF TERRORIST <sup>[F1]</sup>PROPERTY

##### Textual Amendments

- F1** Word in Sch. 1 heading substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(5)(6), **Sch. 5 para. 16(2)**; S.I. 2018/78, reg. 5(1)(c)

#### <sup>[F1]</sup>PART 4B

#### FORFEITURE OF TERRORIST MONEY HELD IN <sup>[F1]</sup>CERTAIN] ACCOUNTS

##### Textual Amendments

- F1** Sch. 1 Pt. 4B inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of Sch. 1 para. 10X so far as not already in force, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), s. 58(1)(6), **Sch. 4 para. 2**; S.I. 2018/78, regs. 2(i), 3(dd)
- F1** Word in Sch. 1 Pt. 4B heading substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), **Sch. 12 para. 3** (with s. 33(4))

#### <sup>[F2]</sup>Victims etc

##### Textual Amendments

- F2** [Sch. 1 para. 10Z6A](#) and cross-heading inserted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), s. 219(1)(2)(b), **Sch. 10 para. 4**

- 10Z6A(1) A person who claims that money in respect of which an account freezing order has effect belongs to them may apply to the relevant court for the money to be released.
- (2) The application may be made in the course of proceedings under paragraph 10S or 10Z2 or at any other time.
  - (3) The court may, subject to sub-paragraph (7), order the money to which the application relates to be released to the applicant if it appears to the court that—
    - (a) the applicant was deprived of the money to which the application relates, or of property which it represents, by criminal conduct,
    - (b) the money the applicant was deprived of was not, immediately before the applicant was deprived of it, property obtained by or in return for criminal conduct and nor did it then represent such property, and
    - (c) the money belongs to the applicant.

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- (4) If sub-paragraph (5) applies, the court may, subject to sub-paragraph (7), order the money to which the application relates to be released to the applicant.
- (5) This sub-paragraph applies where—
- (a) the applicant is not the person from whom the money to which the application relates was seized,
  - (b) it appears to the court that the money belongs to the applicant,
  - (c) the court is satisfied that the release condition is met in relation to the money, and
  - (d) no objection to the making of an order under sub-paragraph (4) has been made by the person from whom the money was seized.
- (6) The release condition is met—
- (a) in relation to money held in a frozen account, if the conditions for making an order under paragraph 10S in relation to the money are no longer met, or
  - (b) in relation to money held in a frozen account which is subject to an application for forfeiture under paragraph 10Z2, if the court or sheriff decides not to make an order under that paragraph in relation to the money.
- (7) Money is not to be released under this paragraph—
- (a) if an account forfeiture notice under paragraph 10W is given in respect of the money, until any proceedings in pursuance of the notice (including any proceedings on appeal) are concluded;
  - (b) if an application for its forfeiture under paragraph 10Z2, is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded;
  - (c) if (in the United Kingdom or elsewhere) proceedings are started against any person for an offence with which the cash is connected, until the proceedings are concluded.
- (8) In relation to money held in an account that is subject to an account freezing order, references in this paragraph to a person from whom money was seized include a reference to a person by or for whom the account was operated immediately before the account freezing order was made.]]

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