



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 7

#### MISCELLANEOUS

##### *Forfeiture of terrorist cash*

#### **83 Forfeiture of terrorist cash: determination of period for which cash may be detained**

- (1) Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (c. 24) (forfeiture of terrorist cash) is amended as follows.
- (2) In paragraph 3 (detention of seized cash), after sub-paragraph (1) (which specifies the period for which cash seized may initially be detained) insert—
  - “(1A) In determining the period of 48 hours specified in sub-paragraph (1) there shall be disregarded—
    - (a) any Saturday or Sunday;
    - (b) Christmas Day;
    - (c) Good Friday;
    - (d) any day that is a bank holiday under the Banking and Financial Dealings Act 1971 in the part of the United Kingdom in which the cash is seized;
    - (e) any day prescribed under section 8(2) of the Criminal Procedure (Scotland) Act 1995 as a court holiday in the sheriff court district in which the cash is seized.”.
- (3) In paragraphs 4(1) and 10(2) (which refer to the period specified in paragraph 3(1)), after “48 hours” insert “(determined in accordance with paragraph 3(1A))”.
- (4) The amendments in this section apply in relation to cash seized after this section comes into force.

**84 Forfeiture of terrorist cash: appeal against decision in forfeiture proceedings**

- (1) In Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (forfeiture of terrorist cash), for paragraph 7 (appeal against forfeiture) substitute—

*“Appeal against decision in forfeiture proceedings*

- 7 (1) A party to proceedings for an order under paragraph 6 (“a forfeiture order”) who is aggrieved by a forfeiture order made in the proceedings or by the decision of the court or sheriff not to make a forfeiture order may appeal—
- (a) in England and Wales, to the Crown Court;
  - (b) in Scotland, to the sheriff principal;
  - (c) in Northern Ireland, to a county court.
- (2) The appeal must be brought before the end of the period of 30 days beginning with the date on which the order is made or, as the case may be, the decision is given.
- This is subject to paragraph 7A (extended time for appealing in certain cases of deproscription).
- (3) The court or sheriff principal hearing the appeal may make any order that appears to the court or sheriff principal to be appropriate.
- (4) If an appeal against a forfeiture order is upheld, the court or sheriff principal may order the release of the cash.

*Extended time for appealing in certain cases where deproscription order made*

- 7A (1) This paragraph applies where—
- (a) a successful application for a forfeiture order relies (wholly or partly) on the fact that an organisation is proscribed,
  - (b) an application under section 4 of the Terrorism Act 2000 for a deproscription order in respect of the organisation is refused by the Secretary of State,
  - (c) the forfeited cash is seized under this Schedule on or after the date of the refusal of that application,
  - (d) an appeal against that refusal is allowed under section 5 of that Act,
  - (e) a deproscription order is made accordingly, and
  - (f) if the order is made in reliance on section 123(5) of that Act, a resolution is passed by each House of Parliament under section 123(5)(b).
- (2) Where this paragraph applies, an appeal under paragraph 7 above against the forfeiture order may be brought at any time before the end of the period of 30 days beginning with the date on which the deproscription order comes into force.
- (3) In this paragraph a “deproscription order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) This amendment applies where the order or decision of the court or sheriff against which the appeal is brought is made or given after this section comes into force.