
Changes to legislation: There are currently no known outstanding effects for the Criminal Finances Act 2017, Paragraph 16. (See end of Document for details)

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS

Anti-terrorism, Crime and Security Act 2001 (c. 24)

- 16 (1) Schedule 1 (forfeiture of terrorist cash) is amended as follows.
- (2) In the heading of the Schedule, for “cash” substitute “ property ”.
- (3) In the heading of Part 1, after “Introductory” insert “ : forfeiture of terrorist cash ”.
- (4) In paragraph 1(1), after “Schedule” insert “ (other than Parts 4A and 4B) ”.
- (5) In the heading of Part 2, after “Detention” insert “ of terrorist cash ”.
- (6) In paragraph 3(3A), in the words before paragraph (a), after “application to” insert “a magistrates' court,”.
- (7) In paragraph 5, in sub-paragraph (1), for “this Schedule” substitute “ any provision of this Schedule other than Part 2A ”.
- (8) In that paragraph, omit sub-paragraph (4).
- (9) In the heading of Part 3, after “Forfeiture” insert “ of terrorist cash ”.
- (10) In paragraph 8(1), for “this Schedule” substitute “ paragraph 6 ”.
- (11) In the heading of Part 4, after “Miscellaneous” insert “ : terrorist cash ”.
- (12) After paragraph 9 insert—

“Restrictions on release

- 9A Cash is not to be released under any power or duty conferred or imposed by this Schedule (and so is to continue to be detained)—
- (a) if an application for its forfeiture under paragraph 6, or for its release under paragraph 9, is made, until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded;
- (b) 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.”
- (13) In paragraph 10, in sub-paragraph (1) after “Schedule,” insert “ and the cash is not otherwise forfeited in pursuance of a cash forfeiture notice, ”.
- (14) In that paragraph, after sub-paragraph (8) insert—

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“(8A) If any cash is detained under this Schedule and part only of the cash is forfeited in pursuance of a cash forfeiture notice, this paragraph has effect in relation to the other part.”

(15) After paragraph 10Z8 (inserted by section 42) insert—

“PART 4D

PROCEEDINGS UNDER THIS SCHEDULE

Powers for prosecutors to appear in proceedings

- 10Z9) The Director of Public Prosecutions or the Director of Public Prosecutions for Northern Ireland may appear for a person mentioned in sub-paragraph (2) in proceedings under this Schedule if the Director—
- (a) is asked by, or on behalf of, the person to do so, and
 - (b) considers it appropriate to do so.
- (2) The persons referred to in sub-paragraph (1) are—
- (a) a constable;
 - (b) a counter-terrorism financial investigator;
 - (c) the Commissioners for Her Majesty's Revenue and Customs;
 - (d) an officer of Revenue and Customs;
 - (e) an immigration officer.
- (3) The Director of Public Prosecutions may authorise a person (generally or specifically) to carry out the functions of the Director under sub-paragraph (1) if the person is—
- (a) a member of the Director's staff;
 - (b) a person providing services under arrangements made by the Director.
- (4) The Director of Public Prosecutions and the Director of Public Prosecutions for Northern Ireland may charge fees for the provision of services under this paragraph.”

Commencement Information

- I1** Sch. 5 para. 16 in force at Royal Assent for specified purposes, see s. 58
- I2** Sch. 5 para. 16 in force at 31.1.2018 in so far as not already in force by S.I. 2018/78, reg. 5(1)(e)

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