Status: *Point in time view as at 27/04/2017.*
Changes to legislation: *There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Paragraph 10P. (See end of Document for details)*

SCHEDULES

SCHEDULE 1

FORFEITURE OF TERRORIST [F1CASH][F1PROPERTY]

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)

[F1PART 4A

FORFEITURE OF TERRORIST ASSETS

Textual Amendments

F1 Sch. 1 Pt. 4A inserted (27.4.2017 for specified purposes, 30.1.2018 for the insertion of Sch. 1 para. 10G(9), 31.1.2018 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), s. 58(1)(6), **Sch. 3 para. 2**; S.I. 2018/78, regs. 2(h), 3(cc)

Compensation

10P (1) If no order under paragraph 10G, 10I or 10J is made in respect of any property detained under this Part of this Schedule, the person to whom the property belongs or from whom it was seized may make an application for compensation.

(2) An application under sub-paragraph (1) is to be made—

(a) in England and Wales or Northern Ireland, to a magistrates' court;

(b) in Scotland, to the sheriff.

(3) If the court or sheriff is satisfied that the applicant has suffered loss as a result of the detention of the property and that the circumstances are exceptional, the court or sheriff may order compensation to be paid to the applicant.

(4) The amount of compensation to be paid is the amount the court or sheriff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.

(5) If the property was seized by an officer of Revenue and Customs, the compensation is to be paid by the Commissioners for Her Majesty's Revenue and Customs.

(6) If the property was seized by a constable, the compensation is to be paid as follows—

(a) in the case of a constable of a police force in England and Wales, it is to be paid out of the police fund from which the expenses of the police force are met;

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(b) in the case of a constable of the Police Service of Scotland, it is to be paid by the Scottish Police Authority;

(c) in the case of a police officer within the meaning of the Police (Northern Ireland) Act 2000, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.

(7) If the property was seized by a counter-terrorism financial investigator, the compensation is to be paid as follows—

(a) in the case of a counter-terrorism financial investigator who was—

(i) a member of the civilian staff of a police force (including the metropolitan police force), within the meaning of Part 1 of the Police Reform and Social Responsibility Act 2011, or

(ii) a member of staff of the City of London police force,

it is to be paid out of the police fund from which the expenses of the police force are met;

(b) in the case of a counter-terrorism financial investigator who was a member of staff of the Police Service of Northern Ireland, it is to be paid out of money provided by the Chief Constable of the Police Service of Northern Ireland.

(8) If the property was seized by an immigration officer, the compensation is to be paid by the Secretary of State.

(9) If an order under paragraph 10G, 10I or 10J is made in respect only of a part of any property detained under this Part, this paragraph has effect in relation to the other part.

(10) This paragraph does not apply if the court or sheriff makes an order under paragraph 10O.**]**

Status:
Point in time view as at 27/04/2017.

Changes to legislation:
There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Paragraph 10P.