

*Status: Point in time view as at 27/04/2017.*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 10Z2. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

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

##### 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<sup>[F1]</sup> 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))

#### *Forfeiture order*

- 10Z2 (1) This paragraph applies while an account freezing order has effect.
- (2) An application for the forfeiture of money held in the frozen account (whether all or part of the credit balance of the account) may be made—
- to a magistrates' court, by an enforcement officer, or
  - to the sheriff, by the Scottish Ministers.
- (3) The court or sheriff may order the forfeiture of the money or any part of it if satisfied that the money or part—
- is within subsection (1)(a) or (b) of section 1, or
  - is property earmarked as terrorist property.
- (4) But in the case of property earmarked as terrorist property which belongs to joint tenants, one of whom is an excepted joint owner, an order by a magistrates' court may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (5) For the purposes of sub-paragraph (4)—

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- (a) an excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him or her) be earmarked, and
  - (b) references to the excepted joint owner's share of property are to so much of the property as would have been his or hers if the joint tenancy had been severed.
- (6) Where an application is made under sub-paragraph (2), the account freezing order is to continue to have effect until the time referred to in sub-paragraph (7)(b) or (8).
- (7) Where money held in a frozen account is ordered to be forfeited under sub-paragraph (3)—
- (a) the [<sup>F2</sup>relevant financial institution] with which the frozen account is maintained must transfer that amount of money into an interest-bearing account nominated by an enforcement officer, and
  - (b) immediately after the transfer has been made the account freezing order made in relation to the frozen account ceases to have effect.
- (8) Where, other than by the making of an order under sub-paragraph (3), an application under sub-paragraph (2) is determined or otherwise disposed of, the account freezing order ceases to have effect immediately after that determination or other disposal.]

#### Textual Amendments

- F2** Words in Sch. 1 para. 10Z2(7)(a) substituted (retrospectively) by [Financial Services Act 2021 \(c. 22\)](#), s. 33(2), [Sch. 12 para. 8](#) (with s. 33(4))

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