

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, Cross Heading: Detention of seized cash. (See end of Document for details)

SCHEDULES

SCHEDULE 1

FORFEITURE OF TERRORIST ^[F1]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)

PART 2

SEIZURE AND DETENTION ^[F1]OF TERRORIST CASH]

Textual Amendments

- F1** Words in Sch. 1 Pt. 2 heading inserted (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(5)**; S.I. 2018/78, reg. 5(1)(c)

Detention of seized cash

- 3 (1) While the authorised officer continues to have reasonable grounds for his suspicion, cash seized under this Schedule may be detained initially for a period of 48 hours.
- ^[F1](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.]
- (2) The period for which the cash or any part of it may be detained may be extended by an order made by a magistrates' court or (in Scotland) the sheriff; but the order may not authorise the detention of any of the cash—
- (a) beyond the end of the period of ^[F2]6 months beginning with the date of the order, and
 - (b) in the case of any further order under this paragraph, beyond the end of the period of two years beginning with the date of the first order.

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- (3) A justice of the peace may also exercise the power of a magistrates' court to make the first order under sub-paragraph (2) extending the period.
- [^{F3}(3A) An application to [^{F4}a magistrates' court,] a justice of the peace or the sheriff for an order under sub-paragraph (2) making the first extension of the period—
- (a) may be made and heard without notice of the application or hearing having been given to any of the persons affected by the application or to the legal representative of such a person, and
 - (b) may be heard and determined in private in the absence of persons so affected and of their legal representatives.]
- (4) An order under sub-paragraph (2) must provide for notice to be given to persons affected by it.
- (5) An application for an order under sub-paragraph (2)—
- (a) in relation to England and Wales and Northern Ireland, may be made by the Commissioners of Customs and Excise or an authorised officer,
 - (b) in relation to Scotland, may be made by a procurator fiscal,
- and the court, sheriff or justice may make the order if satisfied, in relation to any cash to be further detained, that one of the following conditions is met.
- (6) The first condition is that there are reasonable grounds for suspecting that the cash is intended to be used for the purposes of terrorism and that either—
- (a) its continued detention is justified while its intended use is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
 - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.
- (7) The second condition is that there are reasonable grounds for suspecting that the cash consists of resources of an organisation which is a proscribed organisation and that either—
- (a) its continued detention is justified while investigation is made into whether or not it consists of such resources or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
 - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.
- (8) The third condition is that there are reasonable grounds for suspecting that the cash is property earmarked as terrorist property and that either—
- (a) its continued detention is justified while its derivation is further investigated or consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the cash is connected, or
 - (b) proceedings against any person for an offence with which the cash is connected have been started and have not been concluded.
- [^{F5}(9) Where an application for an order under sub-paragraph (2) relates to cash seized under paragraph 2(2), the court, sheriff or justice may make the order if satisfied that—

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- (a) the condition in sub-paragraph (6), (7) or (8) is met in respect of part of the cash, and
- (b) it is not reasonably practicable to detain only that part.]

Textual Amendments

- F1** Sch. 1 para. 3(1A) inserted (with application in accordance with s. 83(4) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 83(2)**, 100(5) (with s. 101(2)); S.I. 2009/58, art. 2(h)
- F2** Word in Sch. 1 para. 3(2)(a) substituted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(3)(a)**, 58(1)(6); S.I. 2018/78, reg. 3(u)
- F3** Sch. 1 para. 3(3A) inserted (13.4.2006) by [Terrorism Act 2006 \(c. 11\)](#), **ss. 35(1)**, 39(2) (with s. 35(2)); S.I. 2006/1013, **art. 2**
- F4** Words in Sch. 1 para. 3(3A) inserted (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(6)**; S.I. 2018/78, reg. 5(1)(c)
- F5** Sch. 1 para. 3(9) inserted (27.4.2017 for specified purposes, 31.1.2018 in so far as not already in force) by [Criminal Finances Act 2017 \(c. 22\)](#), **ss. 38(3)(b)**, 58(1)(6); S.I. 2018/78, reg. 3(u)

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