

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 4. (See end of Document for details)

SCHEDULES

SCHEDULE 1

FORFEITURE OF TERRORIST [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)

PART 4

MISCELLANEOUS[F¹: TERRORIST CASH]

Textual Amendments

- F1** Words in Sch. 1 Pt. 4 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\(11\)](#); S.I. 2018/78, reg. 5(1)(c)

Victims

- 9 (1) A person who claims that any cash detained under this Schedule, or any part of it, belongs to him may apply to a magistrates' court or (in Scotland) the sheriff for the cash or part to be released to him.
- (2) The application may be made in the course of proceedings under paragraph 3 or 6 or at any other time.
- (3) If it appears to the court or sheriff concerned that—
- (a) the applicant was deprived of the cash claimed, or of property which it represents, by criminal conduct,
 - (b) the property he was deprived of was not, immediately before he was deprived of it, property obtained by or in return for criminal conduct and nor did it then represent such property, and
 - (c) the cash claimed belongs to him,
- the court or sheriff may order the cash to be released to the applicant.
- [F²(4) If sub-paragraph (5) applies, the court or sheriff may order the cash to be released to the applicant or to the person from whom it was seized.
- (5) This sub-paragraph applies where—
- (a) the applicant is not the person from whom the cash claimed was seized,
 - (b) it appears to the court or sheriff that the cash belongs to the applicant,

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 4. (See end of Document for details)

- (c) the court or sheriff is satisfied that the release condition is met in relation to the cash, and
 - (d) no objection to the making of an order under sub-paragraph (4) has been made by the person from whom the cash was seized.
- (6) The release condition is met—
- (a) in relation to cash detained under paragraph 3, if the conditions in that paragraph for the detention of the cash are no longer met,
 - (b) in relation to cash detained under paragraph 5B or 5C, if the cash is not terrorist cash, and
 - (c) in relation to cash detained pending the conclusion of proceedings in pursuance of an application under paragraph 6, if the court or sheriff decides not to make an order under that paragraph in relation to the cash.]

Textual Amendments

F2 Sch. 1 para. 9(4)-(6) 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(6)**, 58(1)(6); S.I. 2018/78, reg. 3(u)

[^{F3}Restrictions on release

Textual Amendments

F3 Sch. 1 para. 9A and cross-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(12)**; S.I. 2018/78, reg. 5(1)(c)

- 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.]

Compensation

- 10 (1) If no forfeiture order is made in respect of any cash detained under this Schedule, [^{F4}and the cash is not otherwise forfeited in pursuance of a cash forfeiture notice,] the person to whom the cash belongs or from whom it was seized may make an application to the magistrates' court or (in Scotland) the sheriff for compensation.
- (2) If, for any period after the initial detention of the cash for 48 hours [^{F5}(determined in accordance with paragraph 3(1A))], the cash was not held in an interest-bearing account while detained, the court or sheriff may order an amount of compensation to be paid to the applicant.
- (3) The amount of compensation to be paid under sub-paragraph (2) is the amount the court or sheriff thinks would have been earned in interest in the period in question if the cash had been held in an interest-bearing account.

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 4. (See end of Document for details)

- (4) If the court or sheriff is satisfied that, taking account of any interest to be paid under this Schedule or any amount to be paid under sub-paragraph (2), the applicant has suffered loss as a result of the detention of the cash and that the circumstances are exceptional, the court or sheriff may order compensation (or additional compensation) to be paid to him .
- (5) The amount of compensation to be paid under sub-paragraph (4) is the amount the court or sheriff thinks reasonable, having regard to the loss suffered and any other relevant circumstances.
- (6) If the cash was seized by a customs officer, the compensation is to be paid by the Commissioners of Customs and Excise.
- (7) If the cash 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,
 - (b) in the case of a constable of [^{F6}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 (c. 32), it is to be paid out of money provided by the Chief Constable.
- [^{F7}(7A) If the cash 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 cash was seized by an immigration officer, the compensation is to be paid by the Secretary of State.
- [^{F8}(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.]
- (9) If a forfeiture order is made in respect only of a part of any cash detained under this Schedule, 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 9.

Textual Amendments

- F4** Words in Sch. 1 para. 10(1) 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\(13\)](#); [S.I. 2018/78](#), reg. 5(1)(c)

Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 4. (See end of Document for details)

- F5** Words in Sch. 1 para. 10(2) inserted (with application in accordance with s. 83(4) of the amending Act) by Counter-Terrorism Act 2008 (c. 28), **ss. 83(3), 100(5)** (with s. 101(2)); S.I. 2009/58, art. 2(h)
- F6** Words in Sch. 1 para. 10(7)(b) substituted (1.4.2013) by The Police and Fire Reform (Scotland) Act 2012 (Consequential Provisions and Modifications) Order 2013 (S.I. 2013/602), art. 1(2), **Sch. 2 para. 37(4)**
- F7** Sch. 1 para. 10(7A) inserted (27.4.2017 for specified purposes, 27.6.2017 in so far as not already in force) by Criminal Finances Act 2017 (c. 22), **ss. 41(6)(a), 58(4)(6)**
- F8** Sch. 1 para. 10(8A) 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(14)**; S.I. 2018/78, reg. 5(1)(c)

Changes to legislation:

There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 4.