



# Counter-Terrorism Act 2008

## 2008 CHAPTER 28

### PART 7

#### MISCELLANEOUS

##### *Forfeiture of terrorist cash*

#### **84 Forfeiture of terrorist cash: appeal against decision in forfeiture proceedings**

- (1) In Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 (forfeiture of terrorist cash), for paragraph 7 (appeal against forfeiture) substitute—

##### **“Appeal against decision in forfeiture proceedings**

- 7 (1) A party to proceedings for an order under paragraph 6 (“a forfeiture order”) who is aggrieved by a forfeiture order made in the proceedings or by the decision of the court or sheriff not to make a forfeiture order may appeal—
- (a) in England and Wales, to the Crown Court;
  - (b) in Scotland, to the sheriff principal;
  - (c) in Northern Ireland, to a county court.

- (2) The appeal must be brought before the end of the period of 30 days beginning with the date on which the order is made or, as the case may be, the decision is given.

This is subject to paragraph 7A (extended time for appealing in certain cases of deproscription).

- (3) The court or sheriff principal hearing the appeal may make any order that appears to the court or sheriff principal to be appropriate.
- (4) If an appeal against a forfeiture order is upheld, the court or sheriff principal may order the release of the cash.

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*Changes to legislation: There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 84. (See end of Document for details)*

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### **Extended time for appealing in certain cases where depreservation order made**

- 7A (1) This paragraph applies where—
- (a) a successful application for a forfeiture order relies (wholly or partly) on the fact that an organisation is proscribed,
  - (b) an application under section 4 of the Terrorism Act 2000 for a depreservation order in respect of the organisation is refused by the Secretary of State,
  - (c) the forfeited cash is seized under this Schedule on or after the date of the refusal of that application,
  - (d) an appeal against that refusal is allowed under section 5 of that Act,
  - (e) a depreservation order is made accordingly, and
  - (f) if the order is made in reliance on section 123(5) of that Act, a resolution is passed by each House of Parliament under section 123(5)(b).
- (2) Where this paragraph applies, an appeal under paragraph 7 above against the forfeiture order may be brought at any time before the end of the period of 30 days beginning with the date on which the depreservation order comes into force.
- (3) In this paragraph a “depreservation order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.”.
- (2) This amendment applies where the order or decision of the court or sheriff against which the appeal is brought is made or given after this section comes into force.

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#### **Commencement Information**

**II** S. 84 in force at 16.2.2009 by [S.I. 2009/58](#), [art. 2\(h\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Counter-Terrorism Act 2008, Section 84.