
STATUTORY INSTRUMENTS

2017 No. 1295

**The Magistrates' Courts (Detention and Forfeiture
of Terrorist Cash) (Amendment) Rules 2017**

Application for forfeiture of detained cash

7. In rule 7—

(a) in paragraph (1)—

- (i) for “may be in Form F and shall be” substitute “must be in writing and may be”; and
- (ii) for “the justices’ clerk referred to in rule 4(1)” substitute “the court before which the applicant wishes to make the application”;

(b) after paragraph (1) insert—

“(1A) Where no applications in respect of the cash have been made under paragraph 3(5) of Schedule 1 of the Act, the application must be sent to—

- (a) the court before which the applicant wishes to make the application; or
- (b) where the reasonable grounds for suspicion which led to the seizure of cash to which the application for forfeiture relates are connected to the reasonable grounds for suspicion which led to—
 - (i) the seizure of other cash or property to which an order made under paragraph 3(2) or 10D(1) of Schedule 1 relates; or
 - (ii) the making of an account freezing order under paragraph 10S(2) of Schedule 1,

the court which made the order listed in sub-paragraph (i) or (ii).”;

(c) in paragraph (2),—

- (i) for “shall” substitute “must”; and
- (ii) after “has been given” insert “and to any other person identified by the court as being affected by the application”;

(d) for paragraph (3) substitute—

“(3) The court must fix a date for a directions hearing, which unless directed otherwise shall not be earlier than seven days from the date on which it is fixed, and must notify that date to the applicant and every person to whom a copy of the application is required to be sent under paragraph (2).

(3A) At the directions hearing, the court may give directions relating to the management of the proceedings, including directions as to the date for the hearing of the application.

(3B) If neither the person from whom the cash was seized, nor any other person who is affected by the detention of the property, seeks to contest the application, the court may decide the application at the directions hearing.”;

(e) In paragraph (4) for “An order for the forfeiture of detained cash under paragraph 6(2) of Schedule 1 and a copy of the order shall be given by the justices’ clerk” substitute “A

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copy of the order for the forfeiture of detained cash under paragraph 6(2) of Schedule 1 must be given by the court”.