

*Status: Point in time view as at 07/02/2023.*

*Changes to legislation: There are currently no known outstanding effects for the Anti-terrorism, Crime and Security Act 2001, PART 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 1

#### FORFEITURE OF TERRORIST <sup>[F1]</sup>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 3

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

##### Textual Amendments

- F1** Words in Sch. 1 Pt. 3 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(9)**; S.I. 2018/78, reg. 5(1)(c)

#### *Forfeiture*

- 6 (1) While cash is detained under this Schedule, an application for the forfeiture of the whole or any part of it may be made—
- (a) to a magistrates' court by the Commissioners of Customs and Excise or an authorised officer,
  - (b) (in Scotland) to the sheriff by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the cash or any part of it if satisfied that the cash or part is terrorist cash.
- (3) In the case of property earmarked as terrorist property which belongs to joint tenants one of whom is an excepted joint owner, the order may not apply to so much of it as the court or sheriff thinks is attributable to the excepted joint owner's share.
- (4) An excepted joint owner is a joint tenant who obtained the property in circumstances in which it would not (as against him) be earmarked; and references to his share of the earmarked property are to so much of the property as would have been his if the joint tenancy had been severed.

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## *[<sup>F2</sup>Appeal against decision in forfeiture proceedings*

### **Textual Amendments**

**F2** Sch. 1 paras. 7, 7A substituted for Sch. 1 para. 7 (with application in accordance with s. 84(2) of the amending Act) by [Counter-Terrorism Act 2008 \(c. 28\)](#), **ss. 84(1), 100(5)** (with s. 101(2)); [S.I. 2009/58](#), art. 2(h)

- 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 [<sup>F3</sup>the whole or any part of] the cash.

### **Textual Amendments**

**F3** Words in Sch. 1 para. 7(4) 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(5), 58(1)(6)**; [S.I. 2018/78](#), reg. 3(u)

### *Extended time for appealing in certain cases where deproscription 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 deproscription 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 deproscription 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 deproscription order comes into force.
- (3) In this paragraph a “deproscription order” means an order under section 3(3)(b) or (8) of the Terrorism Act 2000.]

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*Application of forfeited cash*

- 8 (1) Cash forfeited under [<sup>F4</sup>paragraph 6], and any accrued interest on it—
- (a) if forfeited by a magistrates' court in England and Wales or Northern Ireland, is to be paid into the Consolidated Fund,
  - (b) if forfeited by the sheriff, is to be paid into the Scottish Consolidated Fund.
- (2) But it is not to be paid in—
- (a) before the end of the period within which an appeal under paragraph 7 may be made, or
  - (b) if a person appeals under that paragraph, before the appeal is determined or otherwise disposed of.

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**Textual Amendments**

- F4** Words in Sch. 1 para. 8(1) 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\(10\)](#); S.I. 2018/78, reg. 5(1)(c)

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