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## SCHEDULE

FORM AFirst/Further\*\* application for continued detention of seized cash

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(Paragraph 3(5) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001; MC (Detention and Forfeiture of Terrorist Cash) (No. 2) Rules 2001 rr 4(1), 5(1))

Magistrates' Court

(Code )

Date

Name of person from whom cash seized\*

Address\*

Names and addresses of any other persons likely to be affected by an order for detention of the cash (if known)

Amount seized (estimated\*\*)

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

I,

of

(official address and position of applicant)

Authorised Officer/Commissioner of Customs and Excise\*\*, apply for an order under paragraph 3(2) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 authorising the continued detention of cash in the sum of and will state upon oath that one of the three grounds below is satisfied:

\*\*1. 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.

\*\*2. 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.

\*\*3. 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.

(state grounds)

Signed

To: The Clerk to the Justices  
Magistrates' Court

Notes to the Applicant—

First Application—You must give a copy of this application and notification of the hearing of it to the person from whom the cash was seized.

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Further Application—This application must wherever possible be submitted to the Justices' Clerk at least seven days before the expiry of the last period of detention that was ordered by the court. You must send a copy of this application to the person from whom the cash was seized and any other person specified in any order made under paragraph 3(2) of Schedule 1.

\*In the case of a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and intended recipient.

\*\*Delete as appropriate

FORM BFirst/Further\*\* order for continued detention of seized cash

(Paragraph 3(2) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001; MC (Detention and Forfeiture of Terrorist Cash) (No. 2) Rules 2001 rr 4(5), 5(4))

Magistrates' Court (Code )

Date

Name of person from whom cash was seized\*

Address\*

Names and addresses of any other persons identified by the Court as being affected by this order

Amount seized (estimated\*\*)

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

On the application of

after hearing oral evidence from

and representations from

It is ordered that the sum of

be further detained for a period of

(state a period up to a maximum of three months from the date of this order, and not beyond the end of a period of two years from the date of the first order) or until its release may be otherwise ordered, whichever is the earlier.

Notice of this Order shall be given without delay to the person from whom the cash was seized and to any other person affected by it. Such notice shall be in Form C and shall be accompanied by a copy of this order.

Justice of the Peace

[or by order of the Court

Clerk of the Court]

\*In the case of a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and intended recipient.

\*\*Delete as appropriate.

FORM CNotice to persons affected by an order for continued detention of seized cash

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(Paragraph 3(4) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001; MC (Detention and Forfeiture of Terrorist Cash) (No. 2) Rules 2001 rr 4(6), 5(6))

Magistrates' Court

(Code )

Date

Name of person from whom cash was seized\*

Amount seized (estimated\*\*)

Date of seizure

Time of seizure

Place of seizure

On (date) an order was made under paragraph 3(2) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 authorising the continued detention of cash in the sum of for a period of

A copy of the order accompanies this notice.

The person from whom the cash was seized may apply for the release of the detained cash or any part of it under paragraph 5(2) of Schedule 1 to that Act. If the cash was in a letter, parcel, container or other means of unattended dispatch, the sender or the intended recipient may make the application.

A person who claims that—

1. any cash detained or any part of it belongs to him,
2. that he was deprived of it or of property which it represents by criminal conduct and
3. that 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 represent such property

may apply for the release of the detained cash or part of it under paragraph 9(1) of Schedule 1 to that Act. Such a person may apply to the court to be joined as a party to proceedings.

An application under paragraph 5(2) or paragraph 9(1) of Schedule 1 should be made in writing to the Justices' Clerk at the Magistrates' Court which made the order for continued detention of seized cash. The application should state the grounds relied on and identify as clearly as possible the cash referred to.

At the end of the above-mentioned period of detention an application may be made for the further detention of the cash. An application may be made to forfeit the cash.

You will be notified if an application is made, or if any other person makes an application to the court for the release of the detained cash.

If you intend to consult a solicitor about these proceedings you should do so at once and hand this notice and the copy of the order to him.

Signed

(Clerk to the Justices)

\*In the case of a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and intended recipient.

\*\*Delete as appropriate.

FORM DDirection for the release of detained cash under paragraph 5(2) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(MC (Detention and Forfeiture of Terrorist Cash) (No. 2) Rules 2001 r 6(5))

Magistrates' Court

(Code )

Date

On the application of (name of applicant)

of (address)

after hearing oral evidence from

and representations from

It is directed that the sum of which represents the whole/part\* of the sum seized, together with any interest accruing thereon in accordance with paragraph 4(1) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, be released to or to the order of (name)

on or before

(specify a date, not more than seven days from the date of this direction unless a later date is agreed by the applicant)

Cash is not to be released under this direction where paragraph 5(4) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 applies.

Justice of the Peace

[or by Order of the Court

Clerk of the Court]

\*Delete as appropriate

FORM EOrder for the release of detained cash under paragraph 9(3) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001

(MC (Detention and Forfeiture of Terrorist Cash) (No. 2) Rules 2001 r 6(6))

Magistrates' Court

(Code )

Date

On the application of (name of applicant)

of (address)

after hearing oral evidence from

and representations from

It appears to the court that the sum below

1. belongs to the applicant,
2. that the applicant was deprived of it or of property which it represents by criminal conduct and
3. that the property the applicant 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 represent such property.

It is ordered that the sum of which represents the whole/part\* of the sum seized, together with any interest accruing thereon in accordance with paragraph 4(1) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001, be released to or to the order of (name)

on or before

(specify a date, not more than seven days from the date of this order unless a later date is agreed by the applicant)

Justice of the Peace

[or by Order of the Court

Clerk of the Court]

\*Delete as appropriate

FORM FApplication for forfeiture of detained cash

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Paragraph 6(1) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001; MC (Detention and Forfeiture of Terrorist Cash (No. 2) Rules 2001 r 7(1))

Magistrates' Court (Code )

Date

Name of person from whom cash seized\*

Address\*

Names and addresses of any other persons identified by the Court as being affected by this order

Amount seized (estimated\*\*)

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

I,

of

(official address and position of applicant)

Authorised Officer/Commissioner of Customs and Excise\*\*, apply for an order under paragraph 6 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001 for the forfeiture of cash in the sum of together with any interest accruing thereon pursuant to paragraph 4(1) of Schedule 1 to that Act, on the grounds that the said cash

\*\*1. is intended to be used for the purposes of terrorism

\*\*2. consists of the resources of an organisation which is a proscribed organisation

\*\*3. is or represents property obtained through terrorism (i.e. is property earmarked as terrorist property within the meaning of Part 5 of Schedule 1 to that Act)

(state grounds)

To: The Clerk to the Justices

Magistrates' Court

Note to the Applicant—You must send a copy of this application to the person from whom the cash was seized and any other person specified in any order made under paragraph 3(2) of Schedule 1.

\*In the case of a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and an intended recipient.

\*\*Delete as appropriate.

FORM GOrder for forfeiture of detained cash (Paragraph 6(2) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001; MC (Detention and Forfeiture of Terrorist Cash (No. 2) Rules 2001 r 7(4))

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Magistrates' Court (Code )

Date

Name of person from whom cash was seized\*

Address\*

Names and addresses of any other persons whom the court has identified as being affected by the above-mentioned order

Amount seized (estimated\*\*)

Date of seizure

Time of seizure

Place of seizure

Date of latest order for continued detention of seized cash (if any)

Amount detained under latest order for continued detention (if any)

Amounts released since the latest order for continued detention (if any)

On the application of

after hearing oral evidence

and representations from

It is ordered that the whole/part\*\* of the above-mentioned cash be forfeited.

Sum forfeited

Justice of the Peace

[or by Order of the Court

Clerk of the Court]

Note to the parties to these proceedings—Any party to the proceedings in which this forfeiture order is made may appeal against the order to the Crown Court under paragraph 7 of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001. The appeal must be brought before the end of the period of 30 days beginning with the date on which this order was made.

\*In the case of a letter, parcel, container or other means of unattended dispatch, insert names and addresses, if known, of sender and intended recipient.

\*\*Delete as appropriate.