

---

STATUTORY INSTRUMENTS

---

**2002 No. 2998**

**The Magistrates' Courts (Detention  
and Forfeiture of Cash) Rules 2002**

**Applications for the release of detained cash**

6.—(1) An application under section 297(3) or 301(1) of the Act for the release of detained cash shall be made in writing and sent to the justices' chief executive for the petty sessions area of the court before which the applicant wishes to make the application.

(2) But if the applicant has been given notice of an order under section 295(2) of the Act in respect of the detained cash, then the application shall be sent to the justices' chief executive who sent him that notice.

(3) The justices' chief executive shall send a copy of the application to—

- (a) the Commissioners of Customs and Excise, if the cash which is the subject of the application was seized by a customs officer;
- (b) the chief officer of the police force to which the constable belongs (or in the case of a constable who is a member of the National Crime Squad, the Director General of that Squad), if the cash which is the subject of the application was seized by a constable; and
- (c) every person to whom notice of the order made under section 295(2) of the Act has been given.

(4) The justices' clerk shall fix a date for the hearing of the application, which, unless he directs otherwise, shall not be earlier than seven days from the date on which it is fixed, and the justices' chief executive shall notify that date to the applicant and to every person to whom a copy of the application is required to be sent under paragraph (3).

(5) At the hearing of an application under section 301(1) of the Act, the court may, if it thinks fit, order that the applicant shall be joined as a party to all the proceedings in relation to the detained cash.

(6) A direction under section 297(2) of the Act shall be in Form D, an order under section 301(3) of the Act shall be in Form E and an order under section 301(4) of the Act shall be in Form F.

(7) A direction under section 297(2) of the Act and an order under section 301(3) or (4) of the Act shall provide for the release of the cash within seven days of the date of the making of the order or direction, or such longer period as, with the agreement of the applicant, may be specified, except that cash shall not be released whilst section 298(4) of the Act applies.