
STATUTORY INSTRUMENTS

2017 No. 1290

The Magistrates' Courts (Freezing and Forfeiture of Terrorist Money in Bank and Building Society Accounts) Rules 2017

Application for forfeiture of frozen money

5.—(1) An application under paragraph 10Z2(2) of Schedule 1 for the forfeiture of money held in a frozen account must be made in writing and may be sent to the court to which applications for orders to freeze accounts under paragraph 10S(2) of Schedule 1 have been sent.

(2) But where the reasonable grounds for suspicion which led to the application under paragraph 10Z2(2) of Schedule 1 are connected to the reasonable grounds for suspicion which led to the seizure of cash or other property to which a previous order made under paragraph 3(2) or 10B(2) of Schedule 1 relates—

- (a) the application under paragraph 10Z2(2) of Schedule 1 must specify the connection to any such previous order; and
- (b) the application under paragraph 10Z2(2) of Schedule 1 may be sent to any court which made such a previous order.

(3) The applicant must send a copy of the application to every person to whom notice of an order made under paragraph 10S(2) of Schedule 1 has been given and to any other person identified by the court as being affected by the application.

(4) The court shall fix a date for a directions hearing, which unless the designated officer directs 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 (3).

(5) 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.

(6) If neither the persons by or for whom the frozen account is operated, nor any other person who is affected by the account freezing order, seeks to contest the application, the court may decide the application at the directions hearing.

(7) A copy of an order for the forfeiture of money held in a frozen account under paragraph 10Z2(3) of Schedule 1 must be given by the court to every person to whom notice of an order made under paragraph 10S(2) of Schedule 1 in respect of the frozen account been given and to any other person known to be affected by the order.