
STATUTORY INSTRUMENTS

2017 No. 1295

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

Application to set aside forfeiture

8. After rule 7 insert—

“Application to set aside forfeiture

7A.—(1) An application under paragraph 5D(1) of Schedule 1 for the setting aside of forfeiture of cash forfeited in pursuance of a forfeiture notice must be made in writing and made to the court before which the applicant wishes to make the application.

(2) But if the applicant has been given notice of an order under paragraph 3(2) of Schedule 1 in respect of the cash, then the application must be sent to the court which sent the applicant that notice.

(3) The court must send a copy of the application to the authorised officer who seized the cash, to every person to whom notice of an order made under paragraph 3(2) of Schedule 1 has been given and to the Director of Public Prosecutions, where the Director has given notification under rule 7B.

(4) The court must fix a date for the hearing of the application, 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 to every person to whom a copy of the application is required to be sent under paragraph (3).

(5) An order under paragraph 5D(6)(a) of Schedule 1 must provide for the release of the cash within seven days of the date of the making of the order, or such longer period as, with the agreement of the applicant, may be specified.

Director of Public Prosecutions appearing in proceedings

7B. Where the Director of Public Prosecutions has agreed under paragraph 10Z9 of Schedule 1 to appear in proceedings under Schedule 1 for—

- (a) a constable;
- (b) a counter-terrorism financial investigator;
- (c) the Commissioners for Her Majesty's Revenue and Customs;
- (d) an officer of Revenue and Customs; or
- (e) an immigration officer,

the Director must notify the designated officer for the court which is dealing with the proceedings if the Director wants documents given under these Rules to be given also to the Director.”