
STATUTORY INSTRUMENTS

2017 No. 1296

The Magistrates' Courts (Detention and Forfeiture of Terrorist Assets) Rules 2017

First application for the further detention of seized property

3.—(1) The first application under paragraph 10D(5) of Schedule 1 for an order under paragraph 10D(1) of Schedule 1 for the further detention of property seized under paragraph 10B of Schedule 1 must be made in writing and sent to the court before which the applicant wishes to make the application.

(2) But where the reasonable grounds for suspicion which led to the seizure of property to which an application under paragraph 10D(5) of Schedule 1 relates are connected to—

- (a) the reasonable grounds for suspicion which led to the seizure of other cash or property to which a previous order made under paragraph 3(2) or 10B(2) of Schedule 1 relates; or
- (b) the reasonable grounds for suspicion which led to the making of a previous account freezing order under paragraph 10S(2) of Schedule 1,

then the application must specify the connection to any such previous order and may be sent to any court which made a previous order listed in sub-paragraph (a) or (b).

(3) Except where paragraph (4) or paragraph (7) applies, a copy of the written application and notification of the hearing of the application shall be given by the applicant to the person from whom the property was seized.

(4) Where seized property is found in a letter, parcel, container or other means of unattended dispatch, copies of the written application and notification of the hearing of the application shall be sent by the applicant to the sender and intended recipient of the letter, parcel, container or other means of unattended dispatch.

(5) But where paragraph (4) applies the applicant is not required to send copies of the written application and notification of the hearing to a sender or intended recipient who cannot be identified.

(6) Where paragraph (4) applies, the court shall not decline to hear an application solely on the ground that it has not been proved that the sender and intended recipient have been given a copy of the written application and notification of the hearing.

(7) Where unattended property is seized (other than where the property is found in a means of unattended dispatch) the applicant need not give a copy of the written application and notification of the hearing to any person.

(8) The applicant must inform the court of any person known to be affected by the order, as soon as practicable after that person is so identified.

(9) The court must give—

- (a) notice of the order; and
- (b) a copy of the order,

to the person from whom the property was seized and to any other person known to be affected by the order.