STATUTORY RULES OF NORTHERN IRELAND

# 2008 No. 362

# MAGISTRATES' COURTS

## The Magistrates' Courts (Detention and Forfeiture of Seized Cash) (Amendment) Rules (Northern Ireland) 2008

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| *Made - - - -* | *3rd September 2008* |
| *Coming into operation -* | *1st October 2008* |

The Magistrates' Courts Rules Committee makes the following Rules in exercise of the powers conferred by Article 13 of the Magistrates' Courts (Northern Ireland) Order 1981(**a**) after consultation with the Lord Chancellor and with the agreement of the Lord Chief Justice.

**Citation and commencement**

**1.** These Rules may be cited as the Magistrates' Courts (Detention and Forfeiture of Seized Cash) (Amendment) Rules (Northern Ireland) 2008 and shall come into operation on the 1st October 2008.

**Amendment of the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003**

**2.** The Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003(**b**) are amended as follows:—

(1) for Rule 7(3), substitute—

"(3) The clerk of the petty sessions shall send a copy of the application to—

(a) the Commissioners of Revenue and Customs, if the cash which is the subject of the application was seized by an officer of Revenue and Customs;

(b) the Chief Constable or, as the case may be, the chief officer of the police force to which the constable belongs, if the cash which is the subject of the application was seized by a constable;

(c) the Chief Constable, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of the Police Service of Northern Ireland;

(d) the Minister of the Crown in charge of the department of the Government of the United Kingdom, or the department, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of that department;

(**a**) S.I. 1981/1675 (N.I. 26); Article 13 was amended by paragraph 65 of Schedule 5 to the Constitutional Reform Act 2005 (c.4)

(**b**) S.R. 2003 No. 17

(e) the Northern Ireland department, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of that department;

(f) in any other case, the employer of the accredited financial investigator who seized the cash which is the subject of the application; and

(g) every person to whom notice of the order made under section 295(2) has been given.";

(2) for Rule 11(3), substitute—

"(3) The clerk of the petty sessions shall send a copy of the application to—

(a) the Commissioners of Revenue and Customs, if the cash which is the subject of the application was seized by an officer of Revenue and Customs;

(b) the Chief Constable or, as the case may be, the chief officer of the police force to which the constable belongs, if the cash which is the subject of the application was seized by a constable;

(c) the Chief Constable, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of the Police Service of Northern Ireland;

(d) the Minister of the Crown in charge of the department of the Government of the United Kingdom, or the department, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of that department;

(e) the Northern Ireland department, if the cash which is the subject of the application was seized by an accredited financial investigator who was a member of staff of that department;

(f) in any other case, the employer of the accredited financial investigator who seized the cash which is the subject of the application.".

*George Conner*
*P Kelly*
*John Rea*
*John P B Maxwell*
*Sean McCann*

Dated 3rd September 2008

## EXPLANATORY NOTE

*(This note is not part of the Rules)*

These Rules amend the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003 [S.R. 2003 No.17] ('the principal Rules') to take account of the amendments made to Part 5 and Chapter 3 of the Proceeds of Crime Act 2002, by the Serious Crime Act 2007 and which extend the category of investigators entitled to seize and detain cash to include accredited financial investigators.

Rule 2(1) substitutes a new Rule 7(3) into the principal Rules to stipulate the persons to whom a copy of an application for release of detained cash must be sent by the clerk of petty sessions.

Rule 2(2) substitutes a new Rule 11(3) into the principal Rules to stipulate the persons to whom a copy of an application for compensation must be sent by the clerk of petty sessions.

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