



SHERIFFDOM OF SOUTH STRATHCLYDE DUMFRIES AND GALLOWAY

ACT OF COURT No. 1/2005

I John Colin McInnes QC, Sheriff Principal of South Strathclyde Dumfries and Galloway hereby enact as follows:

APPLICATIONS UNDER THE PROCEEDS OF CRIME ACT 2002

1. Introduction

Purpose

1.1 The purpose of this Act of Court is to secure the timeous and efficient management of hearings under section 295 (2) of the Proceeds of Crime Act 2002 based upon agreed protocols between the agencies concerned as outlined below.

1.2 This Act of Court applies to all applications lodged on or after 20 June 2005.

2. Cash Seizures under the Proceeds of Crime Act 2002

2.1 Hearings under section 295(2) of the Proceeds of Crime Act 2002 will take place within the respective Sheriff Courthouses of the Sheriffdom as set out in column 1 of **Table A** below, at the times set out in columns 2 and 3 of said Table.

TABLE A:

COLUMN 1	COLUMN 2	COLUMN 3
SHERIFF COURT	MONDAY to FRIDAY (unless a court holiday)	SATURDAY, SUNDAY and COURT HOLIDAYS
HAMILTON	2.00 pm	11.00 am
AIRDRIE	2.00 pm	11.00 am
LANARK	2.00 pm	2.00 pm
AYR	10.00 am	10.00 am
DUMFRIES	9.45 am	10.00 am
STRANRAER	12 noon	12 noon
KIRCUDBRIGHT	2.00 pm	2.00 pm

2.2. When completing the form of receipt/intimation to be given to the affected person(s) in exchange for the cash seized, the seizing officers should select the time for any hearing at the courthouse of the sheriff court district within which the cash has been seized which is furthest ahead in time from the time of the cash seizure but within 48 hours of that time. ***In addition to normal reporting procedures the seizing officer should forthwith intimate details of the hearing to the local Sheriff Clerk.***

2.3. Where the Hearing has been fixed for a day when the Court is scheduled to sit in respect of other business and police will be in attendance to ensure public order, then no special arrangements may be necessary. If the Procurator Fiscal subsequently elects to make an application for continued detention of the cash, the Procurator Fiscal should advise the Sheriff Clerk of that decision forthwith in order that programmed business may be rearranged to best accommodate the Hearing. Not less than 30 minutes prior to the appointed time for the Hearing affected person(s) or their representative will be able to obtain a copy of the Summary Application which will be provided to the Sheriff Clerk by the Procurator Fiscal.

2.4. ***Where the hearing is fixed for a Saturday, Sunday, Court Holiday or at any other time when the court is not scheduled to sit, special arrangements will be necessary.*** On receiving intimation of a Hearing fixed for a Saturday, Sunday, Court Holiday or at any other time when the court is not scheduled to sit the Sheriff Clerk shall intimate details of the Hearing forthwith to the Sheriff and local police. If the Procurator Fiscal subsequently elects to make an application for continued detention of the cash, the Procurator Fiscal should advise the Sheriff Clerk of that decision forthwith. The Sheriff Clerk should immediately thereafter confirm the arrangements with the Sheriff and local police.

2.5. The Sheriff Clerk will arrange for the courthouse to be opened not less than 30 minutes prior to the appointed time for the Hearing (under 2.4 above) to enable the affected person(s) or their representative to obtain a copy of the Summary Application (provided to the Sheriff Clerk by the Procurator Fiscal). The local police will require to attend at the courthouse not less than 30 minutes prior to the appointed time and for the duration of the Hearing to ensure public order.

I appoint this Order to be inserted in the Act Book of every Court within the Sheriffdom, all for publication to the lieges.

Sheriff Principal of South Strathclyde,
Dumfries and Galloway

SHERIFF PRINCIPAL'S CHAMBERS
AIRDRIE: 10 June 2005