



# Cash Seizure (Policy & Procedure)

**OFFICIAL**

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**March 2022**



# Policy

## Version History

<b>Version Number</b>	<b>Date</b>	<b>Detailed rational behind amending/updating policy or procedure.</b>	<b>Policy Owner Details</b>	<b>Policy Author Details</b>
V2.2	03.05.2011	Paragraphs 2.6 to 2.6.1 inserted to cover storage of cash. Front cover and logo updated to corporate standard.		
V2.3	02.12.2014	Policy updated with revised names of Departments within MSOC Central Support. 2.7.1 Updated with further guidance should cash recovered be borderline £1,000. Cash to be counted in those circumstances		
V2.4	01.08.2018	Policy updated to reflect change from FCOU to Level 3 Investigations. Also bolded and italicized para 2.7.1. Pictures of £1,000.00 in £10 and £20 notes added to pages 10 and 11 respectively.		
V2.5	29.09.22	Cash Seizure Team changed to Financial Investigation Unit / FIU		
V2.6	21.03.22	No major changes to this policy confirmed by D/Insp Economic Crime Team, only formatting to template completed.	Chief Supt Mark Kameen  Head of Investigations	D/Insp Sean Bylinski- Gelder  Economic Crime Team

## Statement

This policy sets out the Merseyside Police Force procedure for the seizure of cash under Section 294 of the [Proceeds of Crime Act 2002 \(POCA\)](#). A police officer has the power to search for, seize and seek further detention and forfeiture of cash that is, or represents, property obtained through unlawful conduct or is intended to be used in unlawful conduct. The amount **MUST NOT BE LESS** than the minimum amount specified in an order made by the Secretary of State (currently £1,000). The search provisions should normally only be exercised with prior approval and are covered by the Codes of Practice that have been distributed to all police stations in Merseyside.

## Aims

This policy aims to:

- a) Outline the relevant legislation for the seizure, detention and forfeiture of cash under POCA
- b) Provide guidance on the relevant forms to be served after the seizure of cash
- c) Provide guidance on the procedures for the further detention of seized cash
- d) Provide the guidance for preserving cash for forensic examination without being counted
- e) Provide guidance on the arrest and interviewing of suspects from whom cash is seized

## Objectives

Specific objectives are to:

- a) Ensure all police officers are fully aware of their responsibilities under this policy
- b) Ensure this policy is communicated to all police officers involved in crime investigations
- c) Ensure the FIU of the Economic Intervention Unit, Level 3 Investigations is informed of all cash seizures
- d) Disrupt organised criminal enterprises at all levels and to reduce crime on Merseyside

## Application and Scope

All police officers and police staff, including the extended police family and those working voluntarily or under contract to Merseyside Police must be aware of, and are required to comply with, all relevant policy and associated procedures.

This policy document sets out principles to help guide decision making and is in some parts quite prescriptive. However, it is vital that officers and staff have the freedom to innovate, exercise discretion and take risk based decisions centred on the needs of the victim and the merits of each case. There may be occasions when a member of staff is considered to have acted outside of policy but if they have done so with honesty, integrity and professionalism, to make the best decision for the community we serve, they will be trusted and supported. On occasions when this is the case, the rationale for it must be properly recorded.<sup>1</sup>

The Chief Officer lead for this policy is the Assistant Chief Constable responsible for Investigations and Intelligence.

## **Outcome Evaluation**

Outcomes should reflect specific objectives and progress measured against each of the objectives on a routine basis. In general terms desired outcomes are:

- a) That all officers consider the seizure of cash as an option of disrupting all forms of criminal conduct
- b) All cash seizures are dealt with in accordance with this policy
- c) All persons subject of this policy are dealt with in accordance with the principles of equality and diversity
- d) Merseyside Police meet their annual performance targets in relation to cash seizures and forfeitures

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<sup>1</sup> This paragraph inserted 16/06/2016 to emphasise appropriate use of discretion. Version number remains unchanged.

# Procedure

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# 1. Legislation

## 1.1 Searches

### 1.1.1 Section 289 of [Proceeds of Crime Act 2002 \(POCA\)](#) states:

(1) If a customs officer or constable who is lawfully on any premises has reasonable grounds for suspecting that there is on the premises cash -

(a) which is recoverable property or is intended by any person for use in unlawful conduct, and

(b) the amount of which is not less than the minimum amount he/she may search for the cash there.

(2) If a customs officer, constable, or an accredited financial investigator has reasonable grounds for suspecting that a person (the suspect) is carrying cash -

(a) which is recoverable property or is intended by any person for use in unlawful conduct, and

(b) the amount of which is not less than the minimum amount, he may exercise the following powers.

(3) The officer or constable may, so far as he thinks it necessary or expedient, require the suspect -

(a) to permit a search of any article he has with him,

(b) to permit a search of his person.

(4) An officer or constable exercising powers by virtue of subsection (3)(b) may detain the suspect for so long as is necessary for their exercise.

(5) The powers conferred by this section -

(a) are exercisable only so far as reasonably required for the purpose of finding cash,

1.1.2 The search powers conferred by section 289 may be exercised only with the appropriate prior approval unless, in the circumstances, it is not practicable to obtain that approval before exercising the power.

1.1.3 The appropriate approval means the approval of a judicial officer (justice of the peace) or (if that is not practicable in any case) the approval of a senior officer (a police officer of at least the rank of Inspector).

1.1.4 It must be noted that the power to search for cash under S.289 does not confer any right of entry into premises. The search powers may only be exercised where an officer is lawfully on premises. For example, when an officer has obtained the consent of someone entitled to grant entry to premises or when entry has been gained under a power of entry conferred under some other legislation or a search warrant.

## 1.2 Seizure of Cash

### 1.2.1 Section 294 POCA allows that:

“A constable may seize any cash if he has reasonable grounds for suspecting that it is-

- a) recoverable property, or
- b) intended by any person for use in unlawful conduct”

Recoverable property is defined in S.304 POCA as property obtained through unlawful conduct.

### 1.2.2 Unlawful conduct is defined under S.241 POCA as unlawful conduct under the criminal law within the UK, or, conduct that occurs outside the UK and is unlawful both where it occurs and in the UK.

## 1.3 Definition of Cash

### 1.3.1 Section 289 subsection (6)(a) to (e) defines cash for the purposes of this Act.

Cash means:

- (a) Notes and coins in any currency,
- (b) Postal orders,
- (c) Cheques of any kind, including travellers' cheques,
- (d) Bankers' drafts,
- (e) Bearer bonds and bearer shares,

found at any place in the United Kingdom.

### 1.3.2 The Secretary of State has imposed a minimum amount below which the powers will not be available. This minimum amount is currently set at £1000.

## 1.4 Further detention of Cash

### 1.4.1 S.295 POCA allows a constable to detain the cash for an initial period of 48 hours whilst he continues to have reasonable grounds for their suspicion. Thereafter, continued detention may be authorised by a Magistrate's Court, for periods of up to 3 months at a time, up to a maximum of 2 years. There is a **strict time limit for this, no more than 48 hours can elapse between the point of seizure and the conclusion of the first hearing**. If the hearing has not been concluded within 48 hours the cash must be returned unless it is also being detained under s. 22 PACE (evidence in criminal proceedings).

### 1.4.2 In appropriate cases the police can apply for forfeiture of the whole or any part of the cash to the Magistrate's court.

### 1.4.3 Under S. 241(3) the court “must decide on a balance of probabilities whether it is proved:

- a) that any matters alleged to constitute unlawful conduct have occurred, or
- b) that any person intended to use any cash in unlawful conduct”

## 2. Merseyside Police Procedures

### 2.1 Responsibilities

- 2.1.1 It must be emphasised that the powers under POCA are **civil powers** and are in addition to and do not replace current powers under criminal legislation such as the [Drug Trafficking Act 1994](#) and the [Police and Criminal Evidence Act 1984](#) (PACE).
- 2.1.2 Under POCA s. 294 a constable, or an accredited financial investigator may seize cash if he/she has reasonable grounds for suspecting that the cash is recoverable property or intended for use in unlawful conduct. This is a civil recovery and the minimum amount for lawful seizure is currently set at £1000.
- 2.1.3 If the person from whom the cash is seized is arrested for a criminal offence not connected to the cash seizure, he/she should be invited to be interviewed in connection with the seizure **after** the PACE interview re the criminal offence has been concluded, unless an explanation about the cash has been given during the PACE interview.
- 2.1.4 If the person from whom the cash is seized is **not** arrested for any criminal offence, he/she **must** be invited to an interview in connection with the seizure.
- 2.1.5 ***There is no power of arrest or detention for such an interview – it is entirely voluntary and there is no right to free legal representation.*** This information must be clearly communicated to the person from whom the cash is seized and any legal representative present.
- 2.1.6 Although the interview is not conducted under PACE, it should be audio recorded to protect the integrity of any ongoing or subsequent criminal proceedings. The information obtained will be used in any subsequent POCA hearing. Where appropriate, the financial investigator may assist during the interview.
- 2.1.7 Merseyside Police policy will be to apply the provisions of POCA in all suitable cases where cash of £1,000 or more is seized. If the amount is less than £1,000, it cannot be a POCA seizure. Other seizure powers, for example PACE, should be considered. The Financial Investigation Unit (FIU), within the Economic Crime Team, Level 3 Investigations will have responsibility for the conduct of financial investigations in respect of these cases and, in consultation with the Force Solicitor, all applications to the courts for the further detention and forfeiture of the cash. It is **imperative** that the FIU is contacted as soon as possible after cash is seized or, where practicable, prior to applications for prior approvals of searches are made.

### 2.2 Searching for large amounts of Cash

- 2.2.1 Occasions where there is specific intelligence that £1000 or more in cash is on premises or in transit, where investigating officers will not proceed under current criminal law powers are likely to be rare. However, it is essential that police officers are aware of the new powers available under POCA in these circumstances. The civil seizure power may be an effective disruptive tactic to use where there is little prospect of apprehending and prosecuting the main offenders. Also, where secondary players are used to transport or store the cash, seizure of it may be considered appropriate. Indeed its removal may provoke activity that could ultimately provide evidence against the primary suspects. It will be for Senior Investigating Officers to decide on whether to adopt this tactic in specific operational situations.



2.2.2 There is a Code of Practice governing the exercise of the search powers, copies of which should be available at all police stations for consultation by police officers and members of the public.

2.2.3 In these circumstances, prior approval must be obtained from a Justice of the Peace or if this is not practicable, an officer of Inspector rank or above. (In urgent circumstances, when neither of these options are practicable, the power may be exercised without prior approval). The FIU should be contacted before prior approval is sought. They will provide a Financial Investigator to be present to ensure that the civil procedure under Part V of the Proceeds of Crime Act and the Code of Practice is strictly adhered to, and that the required form of receipt is given for any cash seized.

### 2.3 **Finding large amounts of Cash**

2.3.1 A more usual occurrence will be the discovery of a large amount of cash in the course of exercising another power under the criminal law. This will normally be a search of premises under S.17, 18 or S.32 PACE or a search warrant. It may also be a search of a person under S.1 PACE. Whichever power of search is being applied the procedure is the same in respect of any cash to be seized. Any such searches must be conducted in accordance with Codes A and B of the PACE Codes of Practice. Cash should always be recovered in a forensically controlled manner and photographed/ video recording made in situ, where possible.

### 2.4 **Questioning the person in Charge**

2.4.1 It obviously follows that the person in possession of the cash should be given the opportunity to provide an explanation of its ownership, origins, purpose and destination. This will assist in determining whether it is "recoverable property" as defined by POCA. In respect of persons who are suspected of a criminal offence any questioning must be conducted in accordance with Code C of the PACE Codes of Practice.

### 2.5 **Seizing a large amount of Cash**

2.5.1 If cash is believed to be recoverable property or is evidence in a criminal investigation it should be seized. The power of seizure comes from either S. 294 POCA or S.19 PACE or both. Even when no arrest is made it will still be possible to seize the cash using the civil power. Whenever cash is seized a form of receipt must be given to any person(s) from whom it is taken. The POCA cash receipt should be completed in duplicate with a copy issued to and, when possible signed by the person from whom the cash is seized.

2.5.2 In circumstances where it is immediately obvious that any cash seized will need to be retained for more than 48 hours to enable further enquiries to be made, (this is likely in most cases), POCA Form A must be completed and served on the person from whom the cash is seized. This form must include the time and place of seizure: the magistrate's court at which the application for further detention will take place including time and date and also the reason for seizing the cash. There is no power to detain a person for the purpose of serving the forms.

## 2.6 Storage of Cash

- 2.6.1 Once the cash has been seized, it must be correctly stored.
- 2.6.2 The cash must be booked into the Niche crime exhibits system.
- 2.6.3 The cash must be deposited at the Evidence Management Unit (EMU) Central Property Office, (CPO) without undue delay. In practice this means that if a seizure is made within working hours the CPO should be contacted and arrangements made to deposit the cash there as soon as possible.
- 2.6.4 If a seizure is made outside of working hours then the cash may be deposited at a BCU safe as an interim measure, provided that arrangements are made to transport the cash to the CPO as soon as is practicable.
- 2.6.5 BCU safes have a clearly displayed insurance limit, allowing only a set amount of cash to be stored inside. This limit is usually £3,000 however it may vary and as such the limit on each safe should be checked prior to depositing the cash.
- 2.6.6 If the cash seized exceeds the insured limit, or there is already cash in the safe and the addition of the seized cash would take the total value of the cash held in the safe above the insured limit, the Force Incident Manager (FIM) must be informed. This can be done by contacting the Area Control Room and informing the FIM that the safe insurance limit is insufficient for the cash seized. In these circumstances a member of the CPO should be called out to facilitate the safe storage of the cash at the CPO.
- 2.6.7 Exceeding insured limits must not occur except in exceptional circumstances and with the written approval of an officer not less than Inspector rank.

## 2.7 Preserving cash for Forensic Examination

- 2.7.1 Careful consideration should be given to the requirement to preserve any cash seized for forensic examination. The person from whom the cash is to be seized should be asked to indicate how much cash is there. The cash should then be sealed, **uncounted**, in a new tamper evidence bag. This bag should then be sealed in a second new tamper proof evidence bag. Wherever possible two officers should be present throughout. ***Should the cash be borderline £1,000, to avoid undue court costs for the first application hearing, the cash should be counted in a forensically controlled environment, with 2 Officers present and the counting process recorded either on Custody Suite CCTV, or through use of Body Camera/ other visual recording equipment.***
- 2.7.2 The person(s) in charge of the cash should be present throughout and invited to sign both bags. The officers notes should include the precise time that the cash was found, any questions and answers made in relation to it and the reason that the officer believes that the amount of cash is at least £1000.
- 2.7.3 Special cash seizure kits, containing all of the required bags, labels and guidance notes should be readily available to operational officers and contained within all search kits.
- 2.7.4 All forensic submissions must be authorised and submitted to Central Submissions Unit SSD [Central.Submissions.Unit.SSD@merseyside.pnn.police.uk](mailto:Central.Submissions.Unit.SSD@merseyside.pnn.police.uk).

## 2.8 Not counting the Cash – Rationale

2.8.1 Whilst the idea of not counting cash at the point of seizure may seem to be unusual, there are a number of reasons for following this course of action.

- (i) One reason for not counting the cash at the scene of seizure or within the custody suite or police station is the need to preserve it for possible forensic examination. Large cash seizures are frequently heavily contaminated with controlled drugs. In the current international climate regarding the threat from terrorism cash used by terrorist suspects may contain evidence of such things as firearms or explosive residue. Evidence obtained in this manner may be essential in order to assist in investigations into serious criminal offences or to prove that the cash came from unlawful conduct.
- (ii) Secondly, it is not unusual for mistakes to be made when counting large amounts of cash, particularly if the cash is found during a person or vehicle search in the street. Placing the cash uncounted in tamper proof sealed bags under controlled conditions, in the bearer's presence eliminates the opportunity for errors or consequent allegations against police officers.

2.8.2 It is important that officers have knowledge of what £1000 in various cash denominations looks like so that they can reasonably assess whether any amount of cash found should be seized under the provisions of POCA.



Figure 1. £1,000.00 in £10 notes.



**Figure 2. £1,000.00 in £20 notes.**

2.8.3 In all circumstances where the cash may have some evidential value, i.e. because of serial numbers, the way it is folded or because of contamination by drugs or security dye, this evidence should be captured for presentation to the court. The SIO should always be consulted prior to the count, and any rationale of decisions made recorded on a Niche Occurrence Enquiry Log.

## 2.9 Arrests

2.9.1 Where there are reasonable grounds to suspect that the cash is the proceeds of unlawful conduct, or intended for such use, consideration should be given to whether there are reasonable grounds to arrest the person holding the cash, for criminal offences i.e. Theft or money-laundering. If a person in charge of the cash is arrested in connection with it (or is already under arrest for another matter) the cash should be seized. The detained person and the cash should then be conveyed to the nearest custody suite in accordance with current arrest procedures. They should be processed in the normal manner, in accordance with custody suite procedure. The seized cash should be recorded on the custody record as seized, uncounted but believed to be £1000 or more.

2.9.2 The FIU should then be contacted on **Phone: 0151-777-3217** and **Email: [ECT.Financial@merseyside.pnn.police.uk](mailto:ECT.Financial@merseyside.pnn.police.uk)**. Arrangements in respect of the cash will be in accordance with the procedure set out below. Outside of normal office hours the procedures outlined can be found on the intranet via the [Economic Crime Team](#) homepage which leads to the [Financial Investigation Unit](#) homepage where related guidance documents are located.

**2.10 When no arrest is made**

- 2.10.1 If nobody is arrested in connection with the seized cash it should be taken to the nearest available police station and booked into the property system. All cash seized will be stored at the Central Property Office at St Anne Street Police Station. Arrangements must be made with the C.P.O. to transfer the cash there. If it is outside of normal office hours the C.P.O. operate a call out procedure and this must be arranged via the Force Incident Manager. Whenever the cash is being conveyed two officers should be present.
- 2.10.2 The FIU will liaise with the Officer in charge of the criminal case to discuss the cash being preserved for forensic examination, prior to counting. The FIU will be responsible for the counting of the cash seized under P.O.C.A., in controlled, videoed conditions at St Anne Street Police Station. Where possible, and appropriate this may be done in the presence of the person from whom the cash was seized.

**2.11 Interviews**

- 2.11.1 Where a person has been arrested for a criminal offence in connection with the cash, they will be interviewed in accordance with PACE in the normal manner. In these circumstances the person should be asked questions in respect of the seized cash. The responses they give may be used in any subsequent POCA hearing. Any such interviews will be the responsibility of the investigating officer(s).
- 2.11.2 Where a person has been arrested for matters unconnected with the cash seized, they should be invited for interview in respect of the cash only AFTER they have been interviewed and dealt with for the offences for which they have been arrested. IT MUST BE NOTED THAT THERE IS NO POWER OF DETENTION FOR THE PURPOSE OF SUCH QUESTIONING. Therefore the detained person should be bailed or remanded in custody following charge and then invited to remain at the police station for questioning about the cash.
- 2.11.3 Although this is not a PACE interview it should be taped for the purpose of protecting the integrity of the criminal investigation. There is no right to free legal representation, and this should be made clear to both the prisoner and any legal representative present. The questions and answers will be used in any subsequent POCA hearing. Where appropriate, the financial investigator may assist in such interviews.

**2.12 Legal power to retain Cash**

- 2.12.1 The legal power to retain cash comes only from S.295 POCA or S. 22 PACE. Since the grounds for retention under PACE are very limited early consideration of S.295 POCA is necessary. It is important that the FIU is contacted at the earliest available stage for advice about the case or to deal with any applications to further detain cash.
- 2.12.2 They will assess the circumstances and, if there is a requirement to retain the cash beyond 48 hours, they will make the necessary arrangements with the Magistrates court.

2.12.3 As soon as it is decided that an application is to be made for the further detention of the cash, Form A must be given to the person from whom the cash was seized. This will inform them that the cash will be the subject of a hearing within 48 hours of its detention. It must include the time and place of seizure, the magistrates' court at which the application for further detention will take place, including time and date and also the reason for seizing the cash.

2.12.4 A magistrate's court may only make an order for the further detention of the cash under the following conditions:

It is satisfied that there are reasonable grounds for suspecting that the cash is recoverable property and:

That the continued detention is justified for the purposes of investigating its derivation or intended use:

Or

If criminal proceedings have been commenced and not concluded:

Or

For the purposes of bringing criminal proceedings.

2.12.5 The magistrate's court can order the continued detention for up to three months and thereafter up to a maximum of 2 years from the date of the first order.

### 2.13 Court Procedure/First Hearing

2.13.1 In Merseyside, all hearings under the provisions of POCA and Statutory Instrument No.2998 of 2002 (The Magistrates Courts Detention and Forfeiture of Cash Rules 2002) will take place at Liverpool City Magistrates Court. As this is a civil procedure, the Crown Prosecution Service will not be involved and the Force Solicitor will provide legal representation for Merseyside Police at court. In respect of the first application it may not be necessary for the Force Solicitor to attend court.

2.13.2 If a person from whom the cash was seized has been charged with criminal offences and kept in custody to appear at a court other than LCMC, the criminal proceedings may be transferred there if the detained person has indicated that they wish to be present at the first hearing.

2.13.3 All applications (First or Further) for the continued detention of cash is made in writing using Form A. The court makes the order for the continued detention on Form B. Persons affected by an order are notified on Form C.

2.13.4 When an initial indication from the questioning/interview is that the person from whom the cash was seized intends to contest the seizure a Financial Investigator should consult with the Force Solicitor's unit and arrange legal representation where appropriate. Otherwise only the Financial Investigator need be present at the first hearing.  
If a respondent, at the hearing, contests an application for detention without prior indication that this would occur, the officer present at court should where appropriate contact the Force Solicitor's unit and arrange legal representation or seek an initial order for a period shorter than 90 days to enable them to arrange for legal representation.

2.13.5 When considering an application for detention the court shall require the matters contained in it to be sworn by the applicant under oath/affirmation, and may require any statement in response by the person from whom the cash was seized to be made under oath/affirmation. The magistrate may then grant a continued detention of the seized cash for a period of up to three months.

#### 2.14 **Depositing the Cash**

2.14.1 The cash must be paid into an interest bearing account as soon as possible after the initial 48 hours unless it is required for evidence in the criminal case. Any interest accrued will be added to the amount to be forfeited or released. Once forensic examination has been completed the number of occasions when the cash is required for evidence is likely to be low and so in most cases the cash will be deposited. The C.P.O. will be responsible for ensuring that these provisions are complied with.

#### 2.15 **Enquiries between Hearings**

2.15.1 It is important at this stage that financial enquiries in relation to the derivation of the cash are carried out expeditiously as the person from whom it was seized can at any time make an application to the magistrate's court for its return. The Criminal Assets Team will be responsible for all financial enquiries in consultation with the officer(s) in the case.

#### 2.16 **Further Hearings**

2.16.1 If the court orders the continued detention of the cash then further hearings will be held in relation to the cash. The Criminal Assets Team will ensure that the relevant applications are made in consultation with the Force Solicitor. The person from whom the cash was seized or any person who claims that it belongs to them, may at any stage make application for the cash (or any part of it) to be released.

#### 2.17 **Forfeiture of the Cash**

2.17.1 Ultimately an application may be made in magistrates' court for the forfeiture of the cash. Application for forfeiture is made on Form G. Cash forfeiture proceedings are civil proceedings and the civil standard of proof applies. Section 298 POCA enables the magistrates' court to order the forfeiture of cash or any part of it, if it is satisfied that it is recoverable property or is intended for use in unlawful conduct. The Forfeiture Order is made on Form H. All forfeited cash is paid into the Consolidated Fund held by the Treasury. A person may appeal to the crown court against forfeiture.

**2.18 Restoration of the Cash**

- 2.18.1 Section 297 envisages two situations in which cash or any part of the cash may be released to the person from whom it was seized. Firstly the magistrates' court may do so in response to an application by the person from whom the cash was seized on the grounds that it was not the proceeds of unlawful conduct or intended for use in such conduct. The fact that only the person from whom the money is seized may apply to the court is intended to prevent the magistrates' court from becoming embroiled in a dispute between the person from whom the cash was seized and its rightful owner of the cash. If known the rightful owner of the cash would be notified of the detention of the cash and would have the opportunity to be joined in any proceedings. If the defence application is successful the cash shall be released within 7 days of the date of the making of the direction.
- 2.18.2 Secondly, a customs officer or constable may release cash detained under s.295 or any part of it after notifying the magistrates' court if satisfied that the detention can no longer be justified. No release of cash can take place once an application has been made for its forfeiture except by order of the court.

**2.19 Compensation**

- 2.19.1 Section 302 provides that where no forfeiture is made following the detention of cash the person from whom it was seized or the person to whom the cash belongs may apply to the court for compensation. The court has discretion to pay such compensation where loss has occurred and where the circumstances are exceptional. In most cases, it is thought that the interest resulting from the deposit of the cash into an interest bearing account will suffice.