

**Changes to legislation:** There are currently no known outstanding effects for the Protection of Children Act 1978, Cross Heading: Notice of intended forfeiture. (See end of Document for details)

## [<sup>F1</sup>SCHEDULE

### FORFEITURE OF INDECENT PHOTOGRAPHS OF CHILDREN

#### Textual Amendments

- F1** Sch. inserted (1.4.2008) by Police and Justice Act 2006 (c. 48), ss. 39(45), 53(1), **Sch. 11**; S.I. 2008/790, art. 2(c)

#### Modifications etc. (not altering text)

- C1** Sch. applied (6.4.2010) by Coroners and Justice Act 2009 (c. 25), ss. 67(1)(b), 182(5) (with s. 180, Sch. 22 para. 12(2)); S.I. 2010/816, art. 2, Sch. para. 1
- C1** Sch. applied (3.5.2015) by Serious Crime Act 2015 (c. 9), ss. 69(5)(b), 88(1); S.I. 2015/820, reg. 2(m)

#### *Notice of intended forfeiture*

- 4 (1) The relevant officer must give notice of the intended forfeiture of the property (“notice of intended forfeiture”) to—
- (a) every person whom he believes to have been the owner of the property, or one of its owners, at the time of the seizure of the property,
  - (b) where the property was seized from premises, every person whom the relevant officer believes to have been an occupier of the premises at that time, and
  - (c) where the property was seized as a result of a search of any person, that person.
- (2) The notice of intended forfeiture must set out—
- (a) a description of the property, and
  - (b) how a person may give a notice of claim under this Schedule and the period within which such a notice must be given.
- (3) The notice of intended forfeiture may be given to a person only by—
- (a) delivering it to him personally,
  - (b) addressing it to him and leaving it for him at the appropriate address, or
  - (c) addressing it to him and sending it to him at that address by post.
- (4) But a notice given in accordance with sub-paragraph (1)(b) may, where it is not practicable to give the notice in accordance with sub-paragraph (3), be given by—
- (a) addressing it to “the occupier” of those premises, without naming him, and
  - (b) leaving it for him at those premises or sending it to him at those premises by post.
- (5) Property may be treated or condemned as forfeited under this Schedule only if—
- (a) the requirements of this paragraph have been complied with in the case of the property, or
  - (b) it was not reasonably practicable for them to be complied with.
- (6) In this paragraph “the appropriate address”, in relation to a person, means—
- (a) in the case of a body corporate, its registered or principal office in the United Kingdom;
  - (b) in the case of a firm, the principal office of the partnership;

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- (c) in the case of an unincorporated body or association, the principal office of the body or association;
- (d) in any other case, his usual or last known place of residence in the United Kingdom or his last known place of business in the United Kingdom.

(7) In the case of—

- (a) a company registered outside the United Kingdom,
- (b) a firm carrying on business outside the United Kingdom, or
- (c) an unincorporated body or association with offices outside the United Kingdom,

the references in this paragraph to its principal office include references to its principal office within the United Kingdom (if any).]

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