

SCHEDULES

SCHEDULE 4

FORFEITURE ORDERS

PART I

ENGLAND AND WALES

Compensation

- 7 (1) If proceedings are instituted against a person for an offence under Part III of this Act and either—
- (a) the proceedings do not result in his conviction for any such offence; or
 - (b) where he is convicted of one or more such offences—
 - (i) the conviction or convictions concerned are quashed; or
 - (ii) he is pardoned by Her Majesty in respect of the conviction or convictions concerned,
- the High Court may, on an application by a person who had an interest in any property which was subject to a forfeiture or restraint order made in or in relation to those proceedings, order compensation to be paid to the applicant if, having regard to all the circumstances, it considers it appropriate to do so.
- (2) The High Court shall not order compensation to be paid in any case unless it is satisfied—
- (a) that there is some serious default on the part of a person concerned in the investigation or prosecution of the offence concerned, being a person mentioned in sub-paragraph (5) below; and
 - (b) that the applicant has suffered loss in consequence of anything done in relation to the property by or in pursuance of an order under this Part of this Schedule.
- (3) The court shall not order compensation to be paid in any case where it appears to it that the proceedings would have been instituted even if the serious default had not occurred.
- (4) The amount of compensation to be paid under this paragraph shall be such as the High Court thinks just in all the circumstances of the case.
- (5) Compensation payable under this paragraph shall be paid—
- (a) where the person in default was or was acting as a member of a police force, out of the police fund out of which the expenses of that police force are met;
 - (b) where the person in default was a member of the Crown Prosecution Service or acting on behalf of the Service, by the Director of Public Prosecutions.

Status: This is the original version (as it was originally enacted).

- (6) Sub-paragraph (8) of paragraph 3 above applies for the purposes of this paragraph as it applies for the purposes of that paragraph.