

*These notes refer to the Serious Crime Act 2015 (c.9)  
which received Royal Assent on 3rd March 2015*

# **SERIOUS CRIME ACT 2015**

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## **EXPLANATORY NOTES**

### **TERRITORIAL EXTENT**

#### **Part 4: Seizure and Forfeiture of Drug-Cutting Agents**

##### **Commentary on Sections**

##### ***Section 62: Appeal against decision under section 61***

244. This section confers a right of appeal (see *subsection (3)* as to the appropriate higher court in each jurisdiction) against a decision under section 61 either to order the forfeiture of a substance or to order its return to the person entitled to it. Where an appeal is brought under this section and no person entitled to the substance was a party to the original proceedings then the responsible office must make reasonable efforts to give written notice to the person from whom it was seized and, if the officer thinks that the substance may belong to a different person, to that person also (*subsection (2)*). This is to ensure that all persons with an interest in the substance are properly informed. An appeal must be lodged within 30 days of the decision by the lower court (*subsection (4)*). The parties to the original proceedings and any person entitled to the substance – if not present or represented at the original hearing – will be entitled to be heard at the appeal. On hearing the appeal, the court will determine the question afresh.