



Serious Crime Act 2015

2015 CHAPTER 9

PART 4

SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

Forfeiture etc or return of seized substances

61 Forfeiture and disposal, or return, of seized substances

- (1) A police or customs officer may apply to a magistrates' court for the forfeiture of a substance retained under section 59.
- (2) Where an application for the forfeiture of a substance is made under this section, the substance is to be retained while proceedings on the application are in progress.
- (3) The court must order the forfeiture of the substance if satisfied that it was intended for use as a drug-cutting agent.
- (4) A substance ordered to be forfeited may be disposed of in whatever way the officer who applied for the order thinks is suitable.
- (5) A substance must not be disposed of under subsection (4)—
 - (a) before the end of the period within which an appeal under section 62 may be made, or
 - (b) if an appeal is made, before it is determined or otherwise dealt with.
- (6) The court must order the substance to be returned to a person entitled to it if not satisfied that the substance was intended for use as a drug-cutting agent.
- (7) If an order is made under subsection (6), the substance may nevertheless be retained—
 - (a) until the end of the period within which an appeal under section 62 may be made against the order, or
 - (b) if an appeal is made, until the time when it is determined or otherwise dealt with.

Status: This is the original version (as it was originally enacted).

But if it is decided before the end of the period mentioned in paragraph (a) that there is to be no appeal, the substance must be returned as soon as possible after that decision is made.