



Serious Crime Act 2015

2015 CHAPTER 9

PART 4

SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

Forfeiture etc or return of seized substances

62 Appeal against decision under section 61

- (1) A party to proceedings for an order under section 61, or a person entitled to the substance in question (if not a party to those proceedings), may appeal against an order under that section.
- (2) Where—
 - (a) a police or customs officer brings an appeal under this section, and
 - (b) no person entitled to the substance in question was a party to the original proceedings,the officer must make reasonable efforts to give notice of the appeal to the person from whom the substance was seized and, if the officer thinks that the substance may belong to a different person, to that person.
- (3) An appeal under this section is to—
 - (a) the Crown Court, in England and Wales;
 - (b) the Sheriff Appeal Court, in Scotland;
 - (c) a county court, in Northern Ireland.
- (4) An appeal under this section must be made before the end of the period of 30 days starting with the date of the order appealed against.
- (5) Subject to subsections (6) and (7), the court hearing the appeal may make any order the court thinks appropriate.
- (6) If an appeal against an order for the return of the substance is allowed—
 - (a) the court must order the substance to be forfeited, and

Status: This is the original version (as it was originally enacted).

- (b) subsections (4) and (5) of section 61 apply with the necessary adaptations.
- (7) If an appeal against an order forfeiting the substance is allowed—
- (a) the court must order the substance to be returned to a person entitled to it, and
 - (b) subsection (7) of section 61 applies with the necessary adaptations.