
STATUTORY INSTRUMENTS

1999 No. 1618

**The Goods Infringing Intellectual Property Rights
(Consequential Provisions) Regulations 1999**

5.—(1) Subject to regulation 6 below, section 139 of, and Schedule 3 to, the 1979 Act (provisions as to detention, seizure and condemnation of goods, etc; forfeiture) shall apply in respect of any goods liable to forfeiture by virtue of regulation 3 above as they apply in respect of goods liable to forfeiture under the customs and excise Acts; and, accordingly:—

- (a) section 144 of the 1979 Act (protection of officers, etc in relation to seizure and detention of goods etc) shall apply in respect of seizure or detention effected by virtue of this regulation; and
- (b) sections 145, 146 and 152 to 155 of the 1979 Act⁽¹⁾ (general provisions as to legal proceedings) shall apply in respect of condemnation proceedings brought by virtue of this regulation.

(2) Where in any condemnation proceedings brought by virtue of paragraph (1) above any question arises as to whether or not any goods are or were liable to forfeiture under regulation 3 above, the burden of proof shall lie upon the party alleging that they are not or were not so liable.

(1) Section 153(4) was added by paragraph 9 of Part I of Schedule 8 to the Finance Act 1981 (c. 35); section 155(1) had been amended by paragraph 29(3) of Part II of Schedule 4 to the Criminal Justice and Public Order Act 1994 (c. 33) from a day to be appointed but, by virtue of section 44 of the Criminal Procedure and Investigations Act 1996 (c. 25), that amendment, inter alia, is treated as never having been enacted.