



2001 CHAPTER 8

Enforcement

Compensation

20.—(1) Subject to the provisions of this section, where any article, thing, receptacle or equipment is seized under section 18 and—

- (a) not less than 6 months have passed since the date of the seizure and no complaint has been made to institute proceedings against any person; or
- (b) proceedings have been brought and—
 - (i) either the person charged has been acquitted (whether or not on appeal) and the time for appealing against or challenging the acquittal (where applicable) has expired without an appeal or challenge being brought; or
 - (ii) proceedings (including any appeal) have been withdrawn by, or failed for want of prosecution by, the person by whom the original proceedings were brought;

the person who is, or at the time of the seizure was, the owner of or otherwise legally interested in the article, thing, receptacle or equipment seized, may recover in any court of competent jurisdiction, compensation in respect of any loss suffered by him as a result of the seizure.

(2) Where—

- (a) any article or thing seized under section 18 has been dealt with in accordance with an order under subsection (3)(b) of that section; and
- (b) proceedings have been brought, and—
 - (i) the person charged has been convicted, but the court has refused to make a forfeiture order under section 19, and

- (ii) the time for appealing against or challenging that refusal has expired without an appeal or challenge being brought,
the person who is, or at the time of the seizure was, the owner of or otherwise legally interested in the article or thing seized, may recover in any court of competent jurisdiction, compensation in respect of the loss of, or any deterioration in the condition of , the article or thing seized.
- (3) Compensation under subsection (1) or (2) shall be recoverable from—
 - (a) the council, if the seizure was carried out by an authorised officer;
 - (b) the Chief Constable, if the seizure was carried out by a constable.
- (4) The court shall not make an order for compensation under this section unless it is satisfied that the seizure was not lawful under section 18.