



Forgery and Counterfeiting Act 1981

1981 CHAPTER 45

PART II

COUNTERFEITING AND KINDRED OFFENCES

Penalties etc.

24 Powers of search, forfeiture, etc.

- (1) If it appears to a justice of the peace, from information given him on oath, that there is reasonable cause to believe that a person has in his custody or under his control—
 - (a) any thing which is a counterfeit of a currency note or of a protected coin, or which is a reproduction made in contravention of section 18 or 19 above; or
 - (b) any thing which he or another has used, whether before or after the coming into force of this Act, or intends to use, for the making of any such counterfeit, or the making of any reproduction in contravention of section 18 or 19 above,the justice may issue a warrant authorising a constable to search for and seize the object in question, and for that purpose to enter any premises specified in the warrant.
- (2) A constable may at any time after the seizure of any object suspected of falling within paragraph (a) or (b) of subsection (1) above (whether the seizure was effected by virtue of a warrant under that subsection or otherwise) apply to a magistrates' court for an order under this subsection with respect to the object; and the court, if it is satisfied both that the object in fact falls within one or other of those paragraphs and that it is conducive to the public interest to do so, may make such order as it thinks fit for the forfeiture of the object and its subsequent destruction or disposal.
- (3) Subject to subsection (4) below, the court by or before which a person is convicted of an offence under this Part of this Act may order any thing shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.
- (4) The court shall not order any thing to be forfeited under subsection (2) or (3) above where a person claiming to be the owner of or otherwise interested in it applies to be

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 Forgery and Counterfeiting Act 1981, Section 24. (See end of Document for details)*

heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.

- (5) Without prejudice to the generality of subsections (2) and (3) above, the powers conferred on the court by those subsections include power to direct that any object shall be passed to an authority with power to issue notes or coins or to any person authorised by such an authority to receive the object.
- (6) In the application of this section to Scotland—
- (a) in subsection (1) for the words “justice of the peace” there shall be substituted the words “justice within the meaning of section 462 of the ^{M1}Criminal Procedure (Scotland) Act 1975”; and
 - (b) in subsection (2) :—
 - (i) for the words “A constable” there shall be substituted “The procurator fiscal”; and
 - (ii) for the words “a magistrates’ court” there shall be substituted “the sheriff court”.

Modifications etc. (not altering text)

- C1** S. 24(1): powers of seizure extended (*prosp.*) by 2001 c. 16, ss. 50, 52-54, 68, 138(2), **Sch. 1 Pt. 1 para. 26**
- C2** S. 24(1) modified (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, ss. 55, 138(2), **Sch. 1 paras. 101** (with ss. 57(3), 68); S.I. 2003/708, art. 2(a)
- C3** S. 24(1) powers of seizure extended (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, ss. 50, 138(2), **Sch. 1 paras. 26** (with ss. 52-54, 68); S.I. 2003/708, art. 2(a)
- C4** S. 24(2) applied (*prosp.*) by 2001 c. 16, ss. 70, 138(2), **Sch. 2 Pt. 1 para. 10(2)(d)**
- C5** S. 24(2) applied (1.4.2003) by **Criminal Justice and Police Act 2001 (c. 16)**, s. 138(2), **Sch. 2 para. 10(2)(d)**; S.I. 2003/708, art. 2(k)

Marginal Citations

- M1** 1975 c. 21.

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