



Serious Crime Act 2015

2015 CHAPTER 9

PART 4

SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

Retention of seized substances

59 Initial retention of seized substances

(1) Where—

- (a) a substance has been seized under section 55 or 56, and
- (b) there continue to be reasonable grounds to suspect that the substance was intended for use as a drug-cutting agent,

it may be retained until the end of the 30th day after the date of seizure.

(2) Where—

- (a) a substance has been seized under another enactment and is lawfully in the possession of a police or customs officer,
- (b) the period during which the substance may lawfully be retained under that enactment expires, and
- (c) there are reasonable grounds to suspect that the substance was intended for use as a drug-cutting agent,

it may be retained until the end of the 30th day after the period referred to in paragraph (b).

60 Continued retention or return of seized substances

(1) On an application made by a police or customs officer, a magistrates' court or a justice of the peace may make an order extending the period for which a substance may be retained under section 59 if satisfied that—

- (a) the condition in subsection (2) is met, or
- (b) the condition in subsection (4) is met.

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- (2) The condition in this subsection is that the continued retention of the substance is justified—
- (a) while its intended use is further investigated, or
 - (b) while consideration is given to bringing (in the United Kingdom or elsewhere) proceedings against any person for an offence with which the substance is connected.
- (3) If the condition in subsection (2) is met, an order under this section may authorise the retention of the substance for a specified period ending no later than the 60th day after—
- (a) the date of seizure, in the case of a substance seized under section 55 or 56, or
 - (b) the end of the period referred to in section 59(2)(b), in any other case.
- (4) The condition in this subsection is that proceedings against any person for an offence with which the substance is connected have been started but have not been concluded.
- (5) If the condition in subsection (4) is met, an order under this section may authorise the retention of the substance until the proceedings are concluded.
- (6) If on the hearing of an application under this section the court or justice is not satisfied that the condition in subsection (2) or (4) is met, the court or justice must order the substance to be returned to a person entitled to it.
- (7) Where—
- (a) an order is made under this section extending the period for which the substance may be retained, and
 - (b) no person entitled to the substance was present or represented at the hearing, a police or customs officer must make reasonable efforts to give written notice 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.
- (8) A notice under subsection (7) must explain—
- (a) the effect of the court's order, and
 - (b) the effect of section 63.
- (9) For the purposes of this Part, proceedings against a person for an offence are concluded when—
- (a) the person is convicted or acquitted of the offence and either—
 - (i) the time allowed for making an appeal, or applying for permission to do so, has expired, or
 - (ii) if an appeal is made, the appeal is determined or otherwise dealt with;
 - (b) the charge is withdrawn;
 - (c) in England and Wales or Northern Ireland—
 - (i) proceedings in respect of the charge are discontinued, or
 - (ii) an order is made for the charge to lie on the file;
 - (d) in Scotland—
 - (i) proceedings against the person are deserted *simpliciter*,
 - (ii) proceedings against the person are deserted *pro loco et tempore* and no trial diet is appointed,
 - (iii) the indictment or complaint relating to the person falls or for any other reason does not proceed to trial, or

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(iv) the diet not having been continued, adjourned or postponed, no further proceedings are in contemplation in relation to the person.

Paragraph (a) applies, where an appeal is made, with references to an appeal being read as references to any further appeal.