



# Criminal Justice Act 1988

## 1988 CHAPTER 33

### PART V

JURISDICTION, IMPRISONMENT, FINES, ETC.

#### *Forfeiture*

#### **69 Forfeiture general**

(1) The following subsections shall be substituted for section 43(1) of the Powers of Criminal Courts Act 1973—

“(1) Subject to the following provisions of this section, where a person is convicted of an offence and—

- (a) the court by or before which he is convicted is satisfied that any property which has been lawfully seized from him or which was in his possession or under his control at the time when he was apprehended for the offence or when a summons in respect of it was issued—
  - (i) has been used for the purpose of committing, or facilitating the commission of, any offence; or
  - (ii) was intended by him to be used for that purpose; or
- (b) the offence, or an offence which the court has taken into consideration in determining his sentence, consists of unlawful possession of property which—
  - (i) has been lawfully seized from him; or
  - (ii) was in his possession or under his control at the time when he was apprehended for the offence of which he has been convicted or when a summons in respect of that offence was issued,

the court may make an order under this section in respect of that property, and may do so whether or not it also deals with the offender in respect of the offence in any other way and without regard to any

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*Status: This is the original version (as it was originally enacted).*

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restrictions on forfeiture in an enactment contained in an Act passed before the Criminal Justice Act 1988.

(1A) In considering whether to make such an order in respect of any property a court shall have regard—

- (a) to the value of the property; and
- (b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making).”

(2) At the end of section 12(4) of that Act (which authorises a court, on making a probation order in respect of an offender or discharging an offender absolutely or conditionally, to order him to pay costs or compensation) there shall be added the words “or to make an order under section 43 below”.

## **70 Forfeiture for drug offences**

In section 27(1) of the Misuse of Drugs Act 1971 (forfeiture on conviction of an offence under that Act) after the words “under this Act” there shall be inserted the words “or a drug trafficking offence, as defined in section 38(1) of the Drug Trafficking Offences Act 1986”.