



# Proceeds of Crime Act 2002

## 2002 CHAPTER 29

### PART 5

#### CIVIL RECOVERY OF THE PROCEEDS ETC. OF UNLAWFUL CONDUCT

### CHAPTER 3

#### RECOVERY OF CASH IN SUMMARY PROCEEDINGS

#### *Forfeiture*

#### **298 Forfeiture**

- (1) While cash is detained under section 295, an application for the forfeiture of the whole or any part of it may be made—
  - (a) to a magistrates' court by the Commissioners of Customs and Excise or a constable,
  - (b) (in Scotland) to the sheriff by the Scottish Ministers.
- (2) The court or sheriff may order the forfeiture of the cash or any part of it if satisfied that the cash or part—
  - (a) is recoverable property, or
  - (b) is intended by any person for use in unlawful conduct.
- (3) But in the case of recoverable property which belongs to joint tenants, one of whom is an excepted joint owner, the order may not apply to so much of it as the court thinks is attributable to the excepted joint owner's share.
- (4) Where an application for the forfeiture of any cash is made under this section, the cash is to be detained (and may not be released under any power conferred by this Chapter) until any proceedings in pursuance of the application (including any proceedings on appeal) are concluded.

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*Status: This is the original version (as it was originally enacted).*

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### **299 Appeal against forfeiture**

- (1) Any party to proceedings in which an order is made under section 298 for the forfeiture of cash who is aggrieved by the order may appeal—
  - (a) in relation to England and Wales, to the Crown Court,
  - (b) in relation to Scotland, to the Court of Session,
  - (c) in relation to Northern Ireland, to a county court.
- (2) An appeal under subsection (1) must be made within the period of 30 days beginning with the date on which the order is made.
- (3) The appeal is to be by way of a rehearing.
- (4) The court hearing the appeal may make any order it thinks appropriate.
- (5) If the court upholds the appeal, it may order the release of the cash.

### **300 Application of forfeited cash**

- (1) Cash forfeited under this Chapter, and any accrued interest on it—
  - (a) if forfeited by a magistrates' court in England and Wales or Northern Ireland, is to be paid into the Consolidated Fund,
  - (b) if forfeited by the sheriff, is to be paid into the Scottish Consolidated Fund.
- (2) But it is not to be paid in—
  - (a) before the end of the period within which an appeal under section 299 may be made, or
  - (b) if a person appeals under that section, before the appeal is determined or otherwise disposed of.