



# Psychoactive Substances Act 2016

## 2016 CHAPTER 2

### *Retention and disposal of items*

#### **53 Return of item to person entitled to it, or disposal if return impracticable**

- (1) Where the retention of an item has been, but is no longer, authorised under this Act—
  - (a) the item must be returned to a person entitled to it (but see subsection (4));
  - (b) the appropriate court must, if asked to do so by a person entitled to the item, order it to be returned to that person.
- (2) A person who claims to be entitled to an item retained under this Act may apply to the appropriate court for an order under subsection (1)(b) or section 51(7) (as appropriate).
- (3) Where—
  - (a) a court makes an order under this Act requiring an item to be returned to a particular person, and
  - (b) reasonable efforts have been made, without success, to find that person, or it is for some other reason impracticable to return the item to that person,the order has effect as if it required the item to be returned to any person entitled to it.
- (4) Where—
  - (a) an item is required by a provision of this Act, or an order made under this Act, to be returned to a person entitled to it, and
  - (b) reasonable efforts have been made, without success, to find a person entitled to the item, or it is for some other reason impracticable to return the item to a person entitled to it,a relevant enforcement officer may dispose of the item in whatever way the officer thinks is suitable.
- (5) In this section “the appropriate court” means—
  - (a) in relation to England and Wales—
    - (i) where the person making the application is an individual who is under the age of 18, a youth court, and
    - (ii) in any other case, a magistrates’ court;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) in relation to Scotland, the sheriff;
  - (c) in relation to Northern Ireland—
    - (i) where the person making the application is an individual who is under the age of 18, a youth court, and
    - (ii) in any other case, a court of summary jurisdiction.
- (6) The persons “entitled” to an item for the purposes of this section are—
- (a) the person from whom it was seized;
  - (b) (if different) any person to whom it belongs.