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STATUTORY INSTRUMENTS

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**2004 No. 1473**

**The Goods Infringing Intellectual Property  
Rights (Customs) Regulations 2004**

**Detention, seizure, condemnation and forfeiture**

7.—(1) Subject to regulation 8, section 139(1) of, and Schedule 3 to, the 1979 Act (provisions as to detention, seizure and condemnation of goods, etc; forfeiture) shall apply in respect of any goods liable to forfeiture by virtue of regulation 3 as they apply in respect of goods liable to forfeiture under the customs and excise Acts; and, accordingly—

- (a) section 144 of the 1979 Act (protection of officers, etc in relation to seizure and detention of goods, etc) shall apply in respect of seizure or detention effected by virtue of this regulation; and
- (b) sections 145, 146 and 152 to 155 of the 1979 Act(2) (general provisions as to legal proceedings) shall apply in respect of condemnation proceedings brought by virtue of this regulation.

(2) Where in any condemnation proceedings brought by virtue of paragraph (1) any question arises as to whether or not any goods are or were liable to forfeiture under regulation 3, the burden of proof shall lie upon the party alleging that they are not, or were not, so liable.

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(1) Section 139(4)(c) was amended, in relation to Northern Ireland, by the Police (Northern Ireland) Act 1998 (c. 32), Schedule 4, paragraph 14.

(2) Section 153(4) was added by paragraph 9 of Part I of Schedule 8 to the Finance Act 1981 (c. 35); section 155(1) had been amended by paragraph 29(3) of Part 2 of Schedule 4 to the Criminal Justice and Public Order Act 1994 (c. 33) from a date to be appointed but, by virtue of section 44 of the Criminal Procedure and Investigations Act 1996 (c. 25), that amendment, inter alia, is treated as never having been enacted.