



# Criminal Justice Act 1993

## 1993 CHAPTER 36

### PART II

#### DRUG TRAFFICKING OFFENCES

##### *Miscellaneous*

#### **25 Appeal against order forfeiting drug trafficking cash**

- (1) The following sections shall be inserted in the Criminal Justice (International Co-operation) Act 1990, after section 26—

##### **“26A Appeal against section 26 order**

- (1) This section applies where an order for the forfeiture of cash (“the forfeiture order”) is made under section 26 above by a magistrates' court.
- (2) Any party to the proceedings in which the forfeiture order is made (other than the applicant for the order) may, before the end of the period of 30 days beginning with the date on which it is made, appeal to the Crown Court or, in Northern Ireland, to a county court.
- (3) An appeal under this section shall be by way of a rehearing.
- (4) On an application made by the appellant to a magistrates' court at any time, that court may order the release of so much of the cash to which the forfeiture order relates as it considers appropriate to enable him to meet his legal expenses in connection with the appeal.
- (5) The court hearing an appeal under this section may make such order as it considers appropriate.
- (6) If it upholds the appeal, the court may order the release of the cash, or (as the case may be) the remaining cash, together with any accrued interest.

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*Status: This is the original version (as it was originally enacted).*

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- (7) Section 26(3) applies in relation to a rehearing on an appeal under this section as it applies to proceedings under section 26.

### **26B Appeal against section 26 order: Scotland**

Any party to proceedings in which an order for the forfeiture of cash is made by the sheriff under section 26 above may appeal against the order to the Court of Session.”.

- (2) The Act of 1990 shall be further amended as follows.
- (3) In section 26 (forfeiture of drug trafficking cash), after subsection (3) there shall be inserted the following subsection—
- “ (4) Proceedings on an application under this section to the sheriff shall be civil proceedings.”.
- (4) In section 28 (procedure), the words “or appeals” shall be inserted after the word “applications” in each place where it occurs in subsection (2).
- (5) In section 30 (forfeited cash to be paid into the Consolidated Fund), the following subsection shall be added at the end—
- “ (3) Subsection (2) above does not apply—
- (a) where an appeal is made under section 26A or 26B above, before the appeal is determined or otherwise disposed of; and
- (b) in any other case—
- (i) where the forfeiture was ordered by a magistrates' court, before the end of the period of 30 days mentioned in section 26A(2); or
- (ii) where the forfeiture was ordered by the sheriff, before the end of any period within which, in accordance with rules of court, an appeal under section 26B must be made.”.
- (6) The amendments made by this section apply only in relation to orders under section 26 of the Act of 1990 made on or after the date on which this section comes into force.