

[^{F1}SCHEDULE

Forfeiture of indecent photographs of children

F1 Sch. inserted (1.4.2008) by [Police and Justice Act 2006 \(c. 48\)](#), ss. 40(4), 53(1)(a), [Sch. 12](#) (with s. 40(6)(7)); S.I. 2008/790, [art. 3\(a\)](#)

Modifications etc. (not altering text)

C1 Sch. applied (6.4.2010) by [Coroners and Justice Act 2009 \(c. 25\)](#), ss. 67(2)(b), 182(5) (with s. 180, Sch. 22 para. 12(2)); S.I. 2010/816, [art. 2](#), Sch. para. 1

C1 Sch. applied (3.5.2015) by [Serious Crime Act 2015 \(c. 9\)](#), ss. 69(6)(b), 88(1); S.I. 2015/820, reg. 2(m)

Forfeiture proceedings

10.—(1) This paragraph applies if, in a case in which a notice of claim has been given, the relevant officer decides to take proceedings for condemnation of the property or a part of it (“the relevant property”).

(2) The court must condemn the relevant property if it is satisfied—

- (a) that the relevant property is forfeitable property, and
- (b) that no-one who has given a notice of claim has a legitimate reason for possessing the relevant property.

This is subject to sub-paragraphs (5) and (7).

(3) If the court is not satisfied that the relevant property is forfeitable property, the court must order its return to the person who appears to the court to have a legitimate reason for possessing it or, if there is more than one such person, to one of those persons.

(4) If the court is satisfied—

- (a) that the relevant property is forfeitable property, and
- (b) that a person who has given a notice of claim has a legitimate reason for possessing the relevant property, or that more than one such person has such a reason,

the court must order the return of the relevant property to that person or, as the case may be, to one of those persons.

(5) Where the court is satisfied that any part of the relevant property is a separable part, sub-paragraphs (2) to (4) apply separately in relation to each separable part of the relevant property as if references to the relevant property were references to the separable part.

(6) For this purpose a part of any property is a “separable part” of the property if—

- (a) it can be separated from the remainder of that property, and
- (b) where a person has a legitimate reason for possessing the remainder of that property or any part of it, the separation will not prejudice the remainder or part.

(7) Where the court is satisfied—

- (a) that a person who has given a notice of claim has a legitimate reason for possessing part of the relevant property, and
- (b) that, although the part is not a separable part within the meaning given by sub-paragraph (6), it can be separated from the remainder of the relevant property,

the court may order the return of that part to that person.

Changes to legislation: *There are currently no known outstanding effects for the Protection of Children (Northern Ireland) Order 1978, Paragraph 10. (See end of Document for details)*

(8) Sub-paragraph (7) does not apply to any property required to be returned to a person under sub-paragraph (4).]

Changes to legislation:

There are currently no known outstanding effects for the Protection of Children (Northern Ireland) Order 1978, Paragraph 10.