

Status: Point in time view as at 23/12/2011.

Changes to legislation: Customs and Excise Management Act 1979, Cross Heading: Proceedings for condemnation by court is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 3

PROVISIONS RELATING TO FORFEITURE

Modifications etc. (not altering text)

- C1 Sch. 3 extended by S.I. 1987/1521, **reg. 3(2)**; 1987/2105, reg. 5(1) and 1988/1476, art. 5(1)
- C1 Sch. 3 amended by S.I. 1988/1852 (N.I. 19), **art. 4(2)**
- C1 Sch. 3 extended (E.W.S.) by Scotch Whisky Act 1988 (c. 22, SIF 109:1), **s. 1(4)**
- C1 Sch. 3 extended (01.01.1992) by S.I. 1991/2724, **reg. 10(1)**
Sch. 3 extended (01.01.1992) by S.I. 1991/2725, **reg. 6(1)**
- C1 Sch. 3 extended (01.01.1992) by S.I. 1991/2727, **reg. 7(1)**
- C1 Sch. 3 applied (23.6.1993) by S.I. 1993/1353, **reg. 4(1)**
Sch. 3 applied (1.7.1995) by S.I. 1995/1447, **reg. 4(1)**
- C1 Sch. 3 applied (1.7.2004) by The Goods Infringing Intellectual Property Rights (Customs) Regulations 2004 (S.I. 2004/1473), **regs. 1, 7(1)** (with **reg. 2(3)**)

Proceedings for condemnation by court

- 8 Proceedings for condemnation shall be civil proceedings and may be instituted—
- (a) in England or Wales either in the High Court or in a magistrates' court;
 - (b) in Scotland either in the Court of Session or in the sheriff court;
 - (c) in Northern Ireland either in the High Court or in a court of summary jurisdiction.
- 9 Proceedings for the condemnation of any thing instituted in a magistrates' court in England or Wales, in the sheriff court in Scotland or in a court of summary jurisdiction in Northern Ireland may be so instituted—
- (a) in any such court having jurisdiction in the place where any offence in connection with that thing was committed or where any proceedings for such an offence are instituted; or
 - (b) in any such court having jurisdiction in the place where the claimant resides or, if the claimant has specified a solicitor under paragraph 4 above, in the place where that solicitor has his office; or
 - (c) in any such court having jurisdiction in the place where that thing was found, detained or seized or to which it is first brought after being found, detained or seized.

Modifications etc. (not altering text)

- C1 Sch. 3 para. 9(b) amended (E.W.) (01.01.1992) by S.I. 1991/2684, **arts. 2, 4, Sch. 1**
- C2 Sch. 3 para. 9(b) applied (with modifications) (E.W.S.) (23.12.2011) by The Legal Services Act 2007 (Designation as a Licensing Authority) (No. 2) Order 2011 (S.I. 2011/2866), **art. 1(2), Sch. 2**

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- 10 (1) In any proceedings for condemnation instituted in England, Wales or Northern Ireland, the claimant or his solicitor shall make oath that the thing seized was, or was to the best of his knowledge and belief, the property of the claimant at the time of the seizure.
- (2) In any such proceedings instituted in the High Court, the claimant shall give such security for the costs of the proceedings as may be determined by the Court.
- (3) If any requirement of this paragraph is not complied with, the court shall give judgment for the Commissioners.
- 11 (1) In the case of any proceedings for condemnation instituted in a magistrates' court in England or Wales, without prejudice to any right to require the statement of a case for the opinion of the High Court, either party may appeal against the decision of that court to the Crown Court.
- (2) In the case of any proceedings for condemnation instituted in a court of summary jurisdiction in Northern Ireland, without prejudice to any right to require the statement of a case for the opinion of the High Court, either party may appeal against the decision of that court to the county court.
- 12 Where an appeal, including an appeal by way of case stated, has been made against the decision of the court in any proceedings for the condemnation of any thing, that thing shall, pending the final determination of the matter, be left with the Commissioners or at any convenient office of customs and excise.

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