



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *[<sup>F1</sup>Licensing and regulation of knife dealers*

##### **[<sup>F1</sup>27K Effect of forfeiture order**

- (1) A forfeiture order under section 27J(2) operates to deprive the offender of any rights he has in the property to which it relates.
- (2) The property to which a forfeiture order relates must be taken into the possession of the police.
- (3) The court by which the offender is convicted may, on the application of a person who—
  - (a) claims property to which a forfeiture order relates; but
  - (b) is not the offender from whom it was forfeited,make an order (a “recovery order”) for delivery of the property to the applicant if it appears to the court that he owns it.
- (4) An application under subsection (3) must be made—
  - (a) in such manner as may be prescribed by Act of Adjournal; and
  - (b) before the end of the period of 6 months beginning with the date on which the forfeiture order was made.
- (5) An application may be granted only if the applicant satisfies the court that—
  - (a) he had not consented to the offender's having possession of the property; or
  - (b) he did not know, and had no reason to suspect, that the offence was likely to be committed.
- (6) If a person has a right to recover property which, by virtue of a recovery order, is in the possession of another, that right—

*Status: Point in time view as at 01/11/2011.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Section 27K is up to date with all changes known to be in force on or before 01 July 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)*

- (a) is not affected by the making of the recovery order at any time before the end of the period of 6 months beginning with the day on which the order is made;
  - (b) is lost at the end of that period.
- (7) The Scottish Ministers may by order make provision for or in connection with the disposal of property forfeited under a forfeiture order in cases where—
- (a) no application under subsection (3) has been made before the end of the 6 month period beginning with the day on which the forfeiture order was made; or
  - (b) no such application has succeeded.
- (8) An order under subsection (7) may in particular make provision for—
- (a) dealing with any proceeds from the disposal;
  - (b) investing money; and
  - (c) auditing accounts.]

#### **Textual Amendments**

- F1** Ss. 27A-27S and cross-heading inserted (1.11.2007 for specified purposes, 1.6.2009 for specified purposes, 1.9.2009 for specified purposes, 1.6.2010 in so far as not already in force) by [Custodial Sentences and Weapons \(Scotland\) Act 2007 \(asp 17\)](#), **ss. 58, 67(2)**; S.S.I. 2007/431, **art. 3, sch.**, S.S.I. 2009/197, **art. 2, Sch.**

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