



Serious Crime Act 2015

2015 CHAPTER 9

PART 4

SEIZURE AND FORFEITURE OF DRUG-CUTTING AGENTS

Supplementary

64 Compensation

- (1) If no forfeiture order is made in respect of a substance retained under this Part, the person to whom it belongs may make an application to a magistrates' court for compensation.
- (2) If the court is satisfied that the applicant has suffered loss as a result of the retention of the substance, the court may order compensation to be paid to the applicant.
- (3) Subject to subsection (4), the amount of compensation to be paid is the relevant proportion of the value of the substance.
For these purposes—
 - (a) the “relevant proportion” is whatever proportion (not exceeding 100%) the court thinks is reasonable;
 - (b) the “value” of the substance is the amount that it would cost the applicant to acquire the substance at the time when the court makes the order.
- (4) If the court thinks that, by reason of exceptional circumstances, the value of the substance would not be adequate compensation, it may order payment of whatever larger amount it thinks reasonable.
- (5) The fund from which, or person by whom, the compensation is to be paid depends on the person by whom the substance was seized, as follows—

Status: This is the original version (as it was originally enacted).

| <i>Person by whom substance seized</i> | <i>Fund from which or person by whom compensation payable</i> |
|---------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| A constable of a police force maintained by a local policing body | The police fund from which the expenses of the police force are met |
| A constable of the Police Service of Scotland | The Scottish Police Authority |
| A constable of the Police Service of Northern Ireland | The Chief Constable of the Police Service of Northern Ireland |
| A constable of the British Transport Police Force | The Chief Constable of the British Transport Police Force |
| A constable of the Ministry of Defence Police | The Secretary of State |
| A National Crime Agency officer | The Director General of the National Crime Agency |
| A person designated as a general customs official under section 3(1) of the Borders, Citizenship and Immigration Act 2009 | The Secretary of State |

65 Interpretation etc

(1) For the purposes of this Part, a substance is used as a “drug-cutting agent” if it is added to a controlled drug in connection with the unlawful supply or exportation of the drug.

(2) In this Part—

“controlled drug” has the same meaning as in the Misuse of Drugs Act 1971 (see section 2 of that Act);

“enactment” includes—

- (a) an enactment contained in subordinate legislation within the meaning of the Interpretation Act 1978;
- (b) an enactment contained in, or in an instrument made under, an Act of the Scottish Parliament;
- (c) an enactment contained in, or in an instrument made under, Northern Ireland legislation;

“entitled”, in relation to a substance, is to be read in accordance with subsection (3);

“police or customs officer” has the meaning given by section 52(2);

“premises” includes any place and, in particular, includes—

- (a) any vehicle, vessel, aircraft or hovercraft;
- (b) any offshore installation within the meaning given by section 1 of the Mineral Workings (Offshore Installations) Act 1971;
- (c) any renewable energy installation within the meaning given by section 104 of the Energy Act 2004;
- (d) any tent or movable structure;

“search and seizure warrant” means a warrant under section 52;

“supplying” includes distributing;

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

- “unlawful” means—
- (a) in relation to a supply, unlawful under section 4 of the Misuse of Drugs Act 1971;
 - (b) in relation to an exportation, prohibited under section 3 of that Act.
- (3) The persons “entitled” to a substance for the purposes of this Part are—
- (a) the person from whom it was seized;
 - (b) (if different) any person to whom it belongs.
- (4) Where a retrial is ordered on a person’s appeal against conviction for an offence, a reference in this Part to the determination of the appeal is a reference to the conclusion of proceedings for the offence on retrial.
- (5) In the application of this Part to Scotland, a reference to a magistrates’ court or to a justice of the peace is to be read as a reference to a sheriff.
- (6) An application to a sheriff for an order under section 60, 61, 63 or 64 must be made by summary application.
- (7) In the application of this Part to Northern Ireland—
- (a) a reference to a justice of the peace in section 52 is to be read as a reference to a lay magistrate;
 - (b) a reference to a magistrates’ court or a justice of the peace in section 60, and any other reference to a magistrates’ court, is to be read as a reference to a court of summary jurisdiction.