



Psychoactive Substances Act 2016

2016 CHAPTER 2

Retention and disposal of items

52 Appeal against decision under section 51

- (1) Where an order has been made under section 51, each of the following persons may appeal against the order—
 - (a) any party to the proceedings in which the order was made;
 - (b) any other person entitled to the item to which the order relates.
- (2) Where—
 - (a) a relevant enforcement officer brings an appeal under this section, and
 - (b) no person entitled to the item in question was a party to the original proceedings,the officer must make reasonable efforts to give notice of the appeal to every person who the officer thinks is or may be entitled to the item.
- (3) An appeal under this section is to—
 - (a) the Crown Court, in England and Wales;
 - (b) the Sheriff Appeal Court, in Scotland;
 - (c) a county court, in Northern Ireland.
- (4) An appeal under this section against an order must be made before the end of the period of 28 days starting with the date of the order.
- (5) Subject to subsections (6) and (7), the court hearing the appeal may make any order the court thinks appropriate.
- (6) If an appeal against an order for the return of an item is allowed—
 - (a) the court must order the item to be forfeited, and
 - (b) subsections (5) and (6) of section 51 apply with the necessary adaptations.
- (7) If an appeal against an order forfeiting an item is allowed—
 - (a) the court must order the item to be returned to a person entitled to it, and

Status: This is the original version (as it was originally enacted).

- (b) subsection (10) of section 51 applies with the necessary adaptations.
- (8) The persons “entitled” to an item for the purposes of this section are—
- (a) the person from whom it was seized;
 - (b) (if different) any person to whom it belongs.