



# Ivory Act 2018

## 2018 CHAPTER 30

### *Retention and disposal or return of items*

#### **32 Return of item to person entitled to it, or disposal if return impracticable**

- (1) Where the retention of an item has been, but is no longer, authorised under this Act—
  - (a) the item must (subject to section 30(3) and subsection (3) below) be returned to a person entitled to it;
  - (b) a person who claims to be entitled to the item may apply to the appropriate court for an order that the item be returned to that person.
- (2) Where—
  - (a) a court makes an order under this Act requiring an item to be returned to a particular person, and
  - (b) reasonable efforts have been made, without success, to find that person, or it is for some other reason impracticable to return the item to that person,the order has effect as if it required the item to be returned to any person entitled to it.
- (3) Where—
  - (a) an item is required by a provision of this Act, or an order made under this Act, to be returned to a person entitled to it, and
  - (b) reasonable efforts have been made, without success, to find a person entitled to the item, or it is for some other reason impracticable to return the item to a person entitled to it,a police or customs officer, or the Secretary of State, may dispose of the item in whatever way the officer or the Secretary of State thinks appropriate.
- (4) 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.