



Ivory Act 2018

2018 CHAPTER 30

Retention and disposal or return of items

33 Forfeiture by court following conviction

- (1) This section applies where a person is convicted of—
 - (a) a relevant offence,
 - (b) an offence of attempting or conspiring to commit a relevant offence,
 - (c) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to a relevant offence,
 - (d) an offence of inciting a person to commit a relevant offence, or
 - (e) an offence of aiding, abetting, counselling or procuring the commission of a relevant offence.
- (2) In this section “the court” means—
 - (a) the court by or before which the person is convicted of the offence, except where paragraph (b) or (c) applies;
 - (b) if the person is committed to the Crown Court to be dealt with for the offence, the Crown Court;
 - (c) if the person is remitted to the High Court of Justiciary to be dealt with for the offence, the High Court of Justiciary.
- (3) The court may make an order for the forfeiture of—
 - (a) any ivory, or any item that is made of ivory or has ivory in it, in respect of which the offence was committed;
 - (b) any other item that was used in the commission of the offence.

An order under this subsection is referred to below as a “forfeiture order”.

- (4) Before making a forfeiture order under subsection (3)(b) in relation to any item, the court must give an opportunity to make representations to any person (in addition to the convicted person) who claims to be the owner of the item or otherwise to have an interest in it.

Status: This is the original version (as it was originally enacted).

- (5) A forfeiture order may not be made so as to come into force before the time when there is no further possibility (ignoring any power to appeal out of time) of the order being varied or set aside on appeal.
- (6) Where the court makes a forfeiture order, it may also make any other provision that it considers to be necessary for giving effect to the forfeiture.
- (7) That provision may, in particular, include provision relating to the retention, handling, destruction or other disposal of the item.
- (8) Provision made by virtue of this section may be varied at any time by the court that made it.