



Medicines and Medical Devices Act 2021

2021 CHAPTER 3

PART 4

MEDICAL DEVICES

CHAPTER 3

ENFORCEMENT

Forfeiture

32 Forfeiture of medical devices

- (1) The enforcement authority may apply to the appropriate lower court (see section 42) for an order for the forfeiture of a medical device (a “forfeiture order”) on the grounds that there has been a contravention of a medical devices provision in relation to the device.
- (2) The appropriate lower court may make a forfeiture order if satisfied that there has been such a contravention.
- (3) The enforcement authority must make reasonable efforts to give notice of the application to every person who the enforcement authority thinks is or may be entitled to the device to which the application relates.
- (4) Each person claiming to be entitled to the device may—
 - (a) appear at the hearing of the application, or
 - (b) make written representations to the appropriate lower court in relation to the application.
- (5) If the appropriate lower court decides to make a forfeiture order, the court may include in the order provision that the device to which the order relates is not to be forfeited before the appropriate time.

Status: This is the original version (as it was originally enacted).

- (6) The enforcement authority may dispose of a forfeited device in whatever way the enforcement authority thinks appropriate.
- (7) But the enforcement authority may not dispose of a forfeited device before the appropriate time.
- (8) In this section, the “appropriate time” is—
 - (a) the end of the period within which an appeal under section 33 may be made against the order, or
 - (b) if such an appeal is made, the end of the day on which the appeal is finally determined or otherwise disposed of.
- (9) In this section, persons “entitled to a device” are—
 - (a) if the device has not been seized by the enforcement authority, the person in possession of the device,
 - (b) if the device has been seized, the person from whom it was seized, or
 - (c) if different, any person to whom it belongs.