



# Product Security and Telecommunications Infrastructure Act 2022

## 2022 CHAPTER 46

### PART 1

#### PRODUCT SECURITY

#### CHAPTER 3

#### ENFORCEMENT

#### *Forfeiture*

#### **43 Further provision about forfeiture**

- (1) An application under section 42 to a magistrates' court in England and Wales is to be made by way of complaint.
- (2) An application under section 42 to a court of summary jurisdiction in Northern Ireland is to be made by way of complaint under Part 8 of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)).
- (3) In a case where proceedings have been brought in England and Wales or Northern Ireland for—
  - (a) an offence under section 32 relating to a compliance failure, or
  - (b) an offence under paragraph 36(1) or (2) of Schedule 5 to the Consumer Rights Act 2015 arising out of any investigation into a compliance failure,an application under section 42 relating to the compliance failure may be made in those proceedings.
- (4) A court may not order the forfeiture of any products under section 42 unless—
  - (a) the Secretary of State has given notice of—

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**Changes to legislation:** There are currently no known outstanding effects for the Product Security and Telecommunications Infrastructure Act 2022, Section 43. (See end of Document for details)

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- (i) the application, and
    - (ii) the date and location of the proceedings for forfeiture,to every identifiable person having an interest in the products, or
  - (b) where the notice required by paragraph (a)(i) or (ii) has not been given to such a person, the court is satisfied that it was reasonable in the circumstances not to give notice to that person.
- (5) Any person having an interest in any forfeitable products is entitled to appear in proceedings under section 42 relating to the products.
- (6) No order for forfeiture under section 42 may take effect until—
- (a) the end of the period within which an appeal under section 44 may be made against the order, or
  - (b) if such an appeal is made, the time when it is determined or withdrawn.
- (7) In this section “compliance failure” and “forfeitable products” have the same meaning as in section 42.

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**Commencement Information**

- I1** S. 43 not in force at Royal Assent, see [s. 79](#)
- I2** S. 43 in force at 29.4.2024 by [S.I. 2023/469](#), [reg. 3](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Product Security and Telecommunications Infrastructure Act 2022, Section 43.