

Status: This version of this provision is prospective.

Changes to legislation: Product Security and Telecommunications Infrastructure Act 2022, Section 44 is up to date with all changes known to be in force on or before 06 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes



Product Security and Telecommunications Infrastructure Act 2022

2022 CHAPTER 46

PART 1

PRODUCT SECURITY

CHAPTER 3

ENFORCEMENT

Forfeiture

PROSPECTIVE

44 Appeals against decisions under section 42

- (1) Where an order for the forfeiture of any products has been made under section 42, 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 products.
- (2) The Secretary of State may appeal against—
 - (a) a decision not to make an order for forfeiture under section 42;
 - (b) an order under subsection (8) of that section for the return of any products.
- (3) Where—
 - (a) the Secretary of State brings an appeal under this section, and
 - (b) no person entitled to the products in question was a party to the original proceedings,

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the Secretary of State must make reasonable efforts to give notice of the appeal to every person who the Secretary of State thinks is or may be entitled to the products.

- (4) 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.
- (5) An appeal under this section is to be brought before the end of the period of 28 days beginning with the date of the order or other decision appealed against.
- (6) Subject to subsections (7) and (8), the court hearing the appeal may make any order the court considers appropriate.
- (7) If an appeal brought by virtue of subsection (2) is allowed—
 - (a) the court must order the products to be forfeited, and
 - (b) sections 42(6) and 43(6) apply with the necessary adaptations.
- (8) If an appeal against an order forfeiting any products is allowed—
 - (a) the court must order the products to be returned to a person entitled to them, and
 - (b) section 42(9) applies with the necessary adaptations.
- (9) The persons “entitled” to any products for the purposes of this section are—
 - (a) any person to whom they belong, and
 - (b) in the case of products detained under paragraph 28 of Schedule 5 to the Consumer Rights Act 2015, the person from whom they were seized.

Commencement Information

II S. 44 not in force at Royal Assent, see [s. 79](#)

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Changes and effects yet to be applied to :

- s. 44 coming into force by [S.I. 2023/469 reg. 3](#)