
STATUTORY INSTRUMENTS

1993 No. 1188

The Serbia and Montenegro (United Nations Sanctions) Order 1993

Forfeiture of aircraft and cargo

9.—(1) In any case where—

- (a) an aircraft is impounded pursuant to article 6 and, in the case of an aircraft referred to in article 6(5)(a), the Secretary of State determines that the aircraft has been used in violation of the United Nations resolutions, or
- (b) aircraft cargo is detained by virtue of article 3, and the Secretary of State determines that the cargo has been carried in violation of the United Nations resolutions,

the Secretary of State may order that the aircraft or cargo, as the case may be, shall be forfeited to him.

(2) In a case where the Secretary of State orders that an aircraft or cargo shall be forfeited to him he shall secure that the aircraft or cargo is sold for the best price that can reasonably be obtained.

(3) Failure to comply with the requirement in paragraph (2) of this article shall not, after the sale has taken place, be a ground for impugning the validity of the sale.

(4) The proceeds of any sale of an aircraft under this article shall be applied as follows, and in the following order, that is to say—

- (a) in payment of any duty (whether of customs or excise) or value added tax which is chargeable in consequence of the aircraft having been imported into the United Kingdom;
- (b) in payment of the expenses incurred by the Secretary of State in effecting the forfeiture of the aircraft and its sale;
- (c) in payment of any airport charges and impounding expenses due in respect of the aircraft;
- (d) in payment of any charge in respect of the aircraft which is due by virtue of regulations made under section 73 of the Civil Aviation Act 1982;
- (e) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the aircraft have been divested by reason of the forfeiture and sale, and in respect of whom it does not appear to the Secretary of State that he or they have been party or privy to a violation of the United Nations resolutions;
- (f) to the Consolidated Fund.

(5) The proceeds of any sale of cargo under this article shall be applied as follows and in the following order, that is to say—

- (a) in payment of any duty (whether of customs or excise) or value added tax which is chargeable in consequence of the cargo having been imported into the United Kingdom;
- (b) in payment of the expenses incurred by the Secretary of State in effecting the forfeiture of the cargo and its sale;
- (c) in payment of cargo storage charges;
- (d) subject to article 10 of the 1992 Order, in payment (where necessary pro rata) to or among the person or persons whose interests in the cargo have been divested by reason of the

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forfeiture and sale, and in respect of whom it does not appear to the Secretary of State that he or they have been party or privy to a violation of the United Nations resolutions;

(e) to the Consolidated Fund.

(6) For the purposes of this article, forfeiture in the case of an aircraft shall extend to—

(a) the equipment of the aircraft and any stores for use in connection with its operation (being equipment or stores carried in the aircraft); and

(b) any aircraft documents carried in the aircraft;

and any such documents may, if the aircraft is sold by the Secretary of State, be transferred by him to the purchaser.

(7) An aerodrome authority shall not commence or continue the detention or proposed sale of any aircraft in pursuance of section 88 of the Civil Aviation Act 1982 in a case where the Secretary of State has made an order of forfeiture under this article in relation to that aircraft, unless and until that order is set aside under article 10(5)(a).