STATUTORY INSTRUMENTS

2016 No. 70

PROCEEDS OF CRIME, NORTHERN IRELAND

The Administrative Forfeiture of Cash (Forfeiture Notices) (Northern Ireland) Regulations 2016

Made - - - -	*23rd January 2016*
Laid before Parliament	*27th January 2016*
Coming into force - -	*1st March 2016*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 297A(3) and (4) and 459(2)(a) of the Proceeds of Crime Act 2002(**1**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Administrative Forfeiture of Cash (Forfeiture Notices) (Northern Ireland) Regulations 2016, and come into force on 1st March 2016.

(2) These Regulations extend to Northern Ireland only.

Interpretation

2. In these Regulations—

"the Act" means the Proceeds of Crime Act 2002; and

"electronic communication" has the meaning given by section 15(1) of the Electronic Communications Act 2000(**2**).

Giving of a forfeiture notice

3.—(1) Subject to paragraph (2), a forfeiture notice(**3**) must be given by a senior officer(**4**) in accordance with regulation 4 to—

(a) any person to whom notice of the most recent order made under section 295(2) of the Act in respect of the cash has been given; and

(**1**) 2002 c. 29. Section 297(A) was inserted by section 65 of the Policing and Crime Act 2009 (c. 26), and amended by the Crime and Courts Act 2013 (c. 22), section 55(14) and Schedule 21, Pt 1, paragraphs 14 and 28.
(**2**) 2000 c. 7. Section 15(1) was amended by the Communications Act 2003 (c. 21), section 406(1) and Schedule 17, paragraph 158.
(**3**) See section 297A(8) of the Act for the meaning of "forfeiture notice".
(**4**) See section 297A(6) of the Act for the meaning of "senior officer".

(b) any other person who has been identified as being known to be affected by the most recent order made under section 295(2) of the Act in respect of the cash but who has not been given notice of the order.

(2) Where—

(a) there are no such persons as are mentioned in paragraph (1); or

(b) it is not possible to give a notice in accordance with regulation 4(1) to such a person,

the forfeiture notice must be given by way of publication in accordance with regulation 4(2).

Manner in which a forfeiture notice must be given

4.—(1) A forfeiture notice which is given to a person must be given—

(a) by post in accordance with regulation 5; or

(b) by means of electronic communication in accordance with regulation 6.

(2) A forfeiture notice which is required to be given by way of publication must be published in the Belfast Gazette.

Giving a forfeiture notice by post

5.—(1) In order to give a forfeiture notice to a person by post, it must be sent by properly addressing, pre-paying and posting to an address which has been given by that person for the purpose of receipt of a forfeiture notice under these Regulations.

(2) If no address has been given as is mentioned in paragraph (1), the forfeiture notice must be sent to an address which is shown in the following table.

Person to whom a forfeiture notice is to be given	*Address*
1. Individual	Last known residential address
2. Individual in their business capacity	Last known residential address of the individual; or principal or last known place of business
3. Individual in their capacity as a partner in a partnership	Last known residential address of the individual; or principal or last known place of business of the partnership
4. Limited liability partnership (within the meaning of the Limited Liability Partnerships Act 2000(**5**))	Principal office of the partnership; or any place of business of the partnership
5. Corporation (other than a company)	Principal office of the corporation; or any place where the corporation carries on its activities
6. Company	Principal office of the company; or any place of business of the company

(3) The forfeiture notice is to be treated as having been given at the time at which the notice would be delivered in the ordinary course of post.

(**5**) 2000 c. 12.