

Criminal Justice (Theft and Fraud Offences) Act, 2001

Forfeiture of seized property. **50.**—(1) This section applies to any thing which has been seized by a member of the Garda Síochána (whether the seizure was effected by virtue of a warrant under [section 48](#) or otherwise) and which the member suspects to be—

- (a) any thing used (whether before or after the commencement of this section), or intended to be used, for the making of any false instrument, or any copy of a false instrument, in contravention of [section 25](#) or 27 respectively,
- (b) any false instrument or any copy of a false instrument used (whether before or after the commencement of this section), or intended to be so used, in contravention of [section 26](#) or 28 respectively,
- (c) any thing the custody or control of which, without lawful authority or excuse, is an offence under [section 29](#),
- (d) any thing which is a counterfeit of a currency note or coin,
- (e) any thing used, whether before or after the commencement of this section, or intended to be used, for the making of any such counterfeit.

(2) A member of the Garda Síochána may, at any time after the seizure of any thing to which this section applies, apply to the judge of the District Court for the time being assigned to the district in which the seizure was effected for an order under this subsection with respect to it; and the judge may, if satisfied both that the thing is one to which this section applies and that it is in the public interest to do so, subject to *subsection (4)*, make such order as the judge thinks fit for its forfeiture and subsequent destruction or disposal.

(3) Subject to *subsection (4)*, the court by or before which a person is convicted of an offence under *Part 4* or *5* may order any thing shown to the satisfaction of the court to relate to the offence to be forfeited and either destroyed or dealt with in such other manner as the court may order.

(4) The court shall not order any thing to be forfeited under *subsection (3)* or *(4)* where a person claiming to be the owner of or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to the person to show cause why the order should not be made.

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