



FREEDOM OF INFORMATION REQUEST



Request Number: F 2011 02902

Keyword: Crime

Subject: Forfeiture Applications

Request and Answer:

Question

1. When you decide to make a forfeiture application how do you serve the respondent/defendant and/or interested party if they are outside the UK in another EU Member State?
2. If English is not an official language of the other Member State would you translate the document(s) that you are serving into an official language of that Member State?
3. Is there an S.I. governing service of documents for the purpose of cash recovery / forfeiture applications if so please supply details.

This is to inform you that the Police Service of Northern Ireland has now completed its search for the information you requested. The decision has been taken to disclose the located information to you in full.

Answer

Notice of a forfeiture application by the PSNI is governed by the Magistrates' Courts (Detention and Forfeiture of Seized Cash) Rules (Northern Ireland) 2003. Rule 12(1) provides that subject to paragraph (2) (Service of Notice of Appeal against a forfeiture Order) any notice, notification, copy of any Order or any other document required to be given under the provisions of these Rules may be given by ordinary first class post or by facsimile to his last known address.

The PSNI does not have a Service Procedure that applies to translation of documents in forfeiture applications. The PSNI has not had occasion to serve a forfeiture application upon any person who is in another Member State in which English is not an official language and, therefore, holds no such information.

If you have any queries regarding your request or the decision please do not hesitate to contact me on 028 9070 0164. When contacting the Freedom of Information Team, please quote the reference number listed at the beginning of this letter.

If you are dissatisfied in any way with the handling of your request, you have the right to request a review. You should do this as soon as possible, or in any case within two months of the date of issue of this letter. In the event that you require a review to be undertaken, you can do so by writing to the Head of Freedom of Information, PSNI Headquarters, 65 Knock Road, Belfast, BT5 6LE or by emailing foi@psni.pnn.police.uk.

If following an internal review, carried out by an independent decision maker, you were to remain dissatisfied in any way with the handling of the request you may make a complaint, under Section 50 of the Freedom of Information Act, to the Information Commissioner's Office and ask that they investigate whether the PSNI has complied with the terms of the Freedom of Information Act. You can write to the Information Commissioner at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. In most circumstances the Information Commissioner will not investigate a complaint unless an internal review procedure has been carried out, however the Commissioner has the option to investigate the matter at his discretion.

Please be advised that PSNI replies under Freedom of Information may be released into the public domain via our website @ www.psnipolice.uk

Personal details in respect of your request have, where applicable, been removed to protect confidentiality.