

Date of hearing.

Notice.

Order by Judge.

Appeal.

Application to Minister.

(3) The judge to whom an application is made pursuant to subsection (2) shall fix a day not less than thirty days after the date of filing of the application for the hearing thereof.

(4) The applicant shall serve a notice of the application and of the hearing upon the Minister at least fifteen days before the day fixed for the hearing. 5

(5) Where, upon the hearing of an application, it is made to appear to the satisfaction of the judge,

(a) in the case of a forfeiture under subsection (5) of section 64, that the applicant is innocent of any complicity in the offence that resulted in the forfeiture and of any collusion in relation to that offence with the person who was convicted of the offence; 10

(b) in the case of a forfeiture under subsection (6) of section 64, that the applicant is innocent of any complicity in the alleged offence that resulted in the forfeiture and of any collusion in relation to that offence with any person who may have committed 20 the offence; and

(c) that the applicant exercised all reasonable care in respect of the person permitted to obtain the possession of the vessel, vehicle, article, goods or fish to satisfy himself that they were not likely to be 25 used contrary to the provisions of this Act or the regulations, or, in the case of a mortgagee or lien-holder, that he exercised such care with respect to the mortgagor or the lien-giver,

the applicant is entitled to an order declaring that his 30 interest is not affected by such forfeiture and declaring the nature and extent of his interest.

(6) The applicant or the Minister may appeal to the court of appeal from an order made under subsection (5) and the appeal shall be asserted, heard and decided accord- 35 ing to the ordinary procedure governing appeals to the court of appeal from orders or judgments of a judge.

(7) The Minister shall, upon application made to him by any person who has obtained a final order under this section,

(a) except in the case of any article, goods or fish disposed of pursuant to subsection (3) of section 64 direct that the vessel, vehicle, article, goods or fish to which the interest of the applicant relates be returned to the applicant; or

(b) direct that an amount equal to the value of the interest of the applicant, as declared in the order, be paid to him. 45