Cultural Property (Armed Conflicts) Act 2017

2017 CHAPTER 6

PART 4

PROPERTY EXPORTED FROM OCCUPIED TERRITORY

Seizure and retention of property liable to forfeiture

24 Retention of property in custody of constable

(1) This section applies to property that—

(a) has been seized for a purpose connected with the investigation or prosecution of a suspected offence under section 17, and

(b) is in the custody of a constable.

(2) If the property ceases to be needed for that purpose a constable may apply to a justice for an order that the property must be retained by a constable pending—

(a) forfeiture of the property under section 20, or

(b) return or disposal of the property under section 27.

(3) The justice may make the order if satisfied that there are reasonable grounds for suspecting that the property may be liable to forfeiture under section 19 (and in accordance with section 20).

(4) A constable who has custody of the property following the making of an order for its retention must give notice of the order to any person who, to his or her knowledge, owned the property at the time the order was made.

(5) It is lawful for property to which this section applies to be retained by a constable—

(a) pending the making or determination of an application under subsection (2), or

(b) in accordance with an order under subsection (3).

(6) The following do not apply to property retained in reliance on subsection (5)—

(a) the Police (Property) Act 1897 (property seized in the investigation of an offence);

(b) section 31 of the Police (Northern Ireland) Act 1998 (which makes similar provision in Northern Ireland).

(7) In this section "justice" means—

(a) in England and Wales, a justice of the peace,

(b) in Scotland, a sheriff or summary sheriff, and

(c) in Northern Ireland, a lay magistrate.