



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 2

#### POWERS OF SEIZURE

##### *Return or retention of seized property*

#### **56 Property seized by constables etc.**

- (1) The retention of—
  - (a) property seized on any premises by a constable who was lawfully on the premises,
  - (b) property seized on any premises by a relevant person who was on the premises accompanied by a constable, and
  - (c) property seized by a constable carrying out a lawful search of any person, is authorised by this section if the property falls within subsection (2) or (3).
- (2) Property falls within this subsection to the extent that there are reasonable grounds for believing—
  - (a) that it is property obtained in consequence of the commission of an offence; and
  - (b) that it is necessary for it to be retained in order to prevent its being concealed, lost, damaged, altered or destroyed.
- (3) Property falls within this subsection to the extent that there are reasonable grounds for believing—
  - (a) that it is evidence in relation to any offence; and
  - (b) that it is necessary for it to be retained in order to prevent its being concealed, lost, altered or destroyed.
- (4) Nothing in this section authorises the retention (except in pursuance of section 54(2)) of anything at any time when its return is required by section 54.

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 56. (See end of Document for details)*

[<sup>F1</sup>(4A) Subsection (1)(a) includes property seized on any premises—

- (a) by a person authorised under section 16(2) of the 1984 Act to accompany a constable executing a warrant, or
- (b) by a person accompanying a constable under section 2(6) of the Criminal Justice Act 1987 in the execution of a warrant under section 2(4) of that Act.]

(5) In subsection (1)(b) the reference to a relevant person’s being on any premises accompanied by a constable is a reference only to a person who was so on the premises under the authority of—

- (a) a warrant under section 448 of the Companies Act 1985 (c. 6) authorising him to exercise together with a constable the powers conferred by subsection (3) of that section;

- <sup>F2</sup>(b) .....
- <sup>F3</sup>(c) .....
- <sup>F3</sup>(d) .....
- <sup>F3</sup>(e) .....

**Textual Amendments**

- F1** S. 56(4A) inserted (E.W.) (20.1.2004) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 12, 336, **Sch. 1 para. 14**; S.I. 2004/81, **art. 2(2)(a)**
- F2** S. 56(5)(b) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 1(2), **Sch. 1 para. 189(2)** (with art. 10)
- F3** S. 56(5)(c)(d)(e) repealed (1.12.2001) by S.I. 2001/3649, **arts. 1**, 364(a)

**Modifications etc. (not altering text)**

- C1** S. 56 modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\)](#), s. 38, {Sch. 4 para. 24(b)}; S.I. 2002/2750, **art. 2**
- C2** S. 56 amended (N.I.) (8.4.2003) by [Police \(Northern Ireland\) Act 2003 \(c. 6\)](#), ss. 30, 31, **Sch. 2 Pt. 1 para. 10(1)(b)**

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 56.