# Cultural Property (Armed Conflicts) Act 2017

**2017 CHAPTER 6**

## PART 4

PROPERTY EXPORTED FROM OCCUPIED TERRITORY

*Seizure and retention of property liable to forfeiture*

### 23 Search and seizure warrants

(1) A justice may issue a warrant under this section in respect of any premises if satisfied that there are reasonable grounds for suspecting that property liable to forfeiture under section 19 is likely to be found.

(2) A warrant under this section authorises a constable—

(a) to enter and search the premises specified in the warrant, and

(b) to seize any property found there which the constable has grounds for believing is liable to forfeiture under section 19.

(3) A person exercising a power conferred by a warrant under this section may, if necessary, use reasonable force in the exercise of the power.

(4) Property seized under this section 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.

(5) A person who has custody of property following its seizure under this section must give notice of its seizure to any person who, to his or her knowledge, owned the property at the time it was seized.

(6) But notice need not be given if the property was seized in the presence of—

(a) the owner, or

(b) an employee or agent of the owner.

***Changes to legislation:*** *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017, Cross Heading: Seizure and retention of property liable to forfeiture. (See end of Document for details)*

(7) A reference in this section to the owner of property means, if there is more than one owner, any of them.

(8) 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;

"premises" has the same meaning as in the Police and Criminal Evidence Act 1984 (see section 23 of that Act).

(9) In Schedule 1 to the Criminal Justice and Police Act 2001 (powers which relate to the seizure of property in bulk), in Part 1, at the end insert—

"**Cultural Property (Armed Conflicts) Act 2017**

73Q The power of seizure conferred by section 23 of the Cultural Property (Armed Conflicts) Act 2017 (seizure of property liable to forfeiture under section 19 of that Act)."

**Commencement Information**

**I1** S. 23 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

## 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.

**Commencement Information**

**I2** S. 24 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

## 25 Notices of seizure or retention

(1) A notice under section 23(5) or 24(4)—

(a) must be in writing, and

(b) must set out the grounds for the seizure of the property or its retention.

(2) A notice under section 23(5) or 24(4) must be given to a person by—

(a) delivering it personally,

(b) addressing it to the person and leaving it at the appropriate address,

(c) addressing it to the person and sending it by post to that address, or

(d) in the case of a person who has no address within the United Kingdom, or whose address is unknown, publishing it in the London, Edinburgh or Belfast Gazette.

(3) "The appropriate address", in relation to a person, means—

(a) in the case of a body corporate, its registered or principal office;

(b) in any other case, the person's usual or last known place of residence or business.

**Commencement Information**

**I3** S. 25 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

## 26 Property in custody of others

(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 person who is not a constable.

(2) The person must transfer the property to a constable as soon as is reasonably practicable after it ceases to be needed for the purpose mentioned in subsection (1)(a) (and a constable may then make an application under section 24(2)).

(3) It is lawful for property to which this section applies to be retained by the person pending compliance with subsection (2).

***Changes to legislation:*** *There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017, Cross Heading: Seizure and retention of property liable to forfeiture. (See end of Document for details)*

**Commencement Information**

**I4** S. 26 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

## 27 Return of property to owner if not forfeited

(1) This section applies to property that has been seized under section 23, or retained in pursuance of an order under section 24, if—

(a) an application for the forfeiture of the property under section 20 is refused and no appeal against the refusal (or any subsequent appeal) is pending,

(b) proceedings on an application for the forfeiture of the property under section 20 are discontinued,

(c) a forfeiture order made in respect of the property under section 20 has lapsed, or

(d) no application for its forfeiture has been made under section 20 within the period of four months beginning with the day on which the property was seized under section 23 or the order was made under section 24.

(2) The property must be returned to its owner as soon as is reasonably practicable.

(3) If it is not reasonably practicable to return the property within the period of 12 months beginning with the day on which the duty to return it arises, the property may be disposed of in such manner as the person who for the time being has custody of the property thinks appropriate.

(4) For the purposes of subsection (1)(a) an appeal is pending if—

(a) an appeal has been brought but has not been determined or withdrawn,

(b) an application for permission to appeal has been made but has not been determined or withdrawn, or

(c) no such application has been made but the period for bringing an appeal is still running (disregarding the possibility of an appeal out of time).

(5) References in this section to the owner of property mean, if there is more than one owner, any of them.

**Commencement Information**

**I5** S. 27 in force at 12.12.2017 by S.I. 2017/1087, **reg. 2**

**Changes to legislation:**
There are currently no known outstanding effects for the Cultural Property (Armed Conflicts) Act 2017, Cross Heading: Seizure and retention of property liable to forfeiture.