



Police (Property) Act 1897

1897 CHAPTER 30

An Act to make further provision with respect to the Disposal of Property in the Possession of the Police. [6th August 1897]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1 Power to make orders with respect to property in possession of police.

- (1) Where any property has come into the possession of the police in connexion with any criminal charge or under section sixty-six of the Metropolitan Police Act, 1839, section forty-eight of the Act of the session of the second and third years of Her present Majesty, chapter ninety-four (local), for regulating the Police in the city of London, section one hundred and three of the Larceny Act, 1861, or section thirty-four of the Pawnbrokers Act, 1872, a court of summary jurisdiction may, on application either by an officer of police or by a claimant of the property, make an order for the delivery of the property to the person appearing to the magistrate or court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the magistrate or court may seem meet.
- (2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.
- (3) In any part of the metropolitan police district for which a police court is established under the Metropolitan Police Courts Acts, 1839 and 1840, the powers of a court of summary jurisdiction under this section shall be exercised by a metropolitan police magistrate.

2 Regulations with respect to unclaimed property in possession of police.

- (1) A Secretary of State may make regulations for the disposal of property which has come into the possession of the police under the circumstances mentioned in this Act in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto.
- (2) The regulations may authorise the sale of any such property, and the application of the proceeds of any such sale, and the application of any money of which the owner Cannot be ascertained, to all or any of the following purposes :—
 - (a) the expenses of executing the regulations ;
 - (b) the payment of reasonable compensation to any person by whom the property has been delivered into the possession of the police;
 - (c) the making of payments for the benefit of discharged prisoners or of persons dependent on prisoners or discharged prisoners; or
 - (d) such other purposes as the Secretary of State may consider expedient.
- (3) Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for a year. In any other case the property shall not be sold until it has remained in the possession of the police for a year,
- (4) The regulations may also provide for the investment of money and for the audit of accounts.
- (5) The regulations shall apply whether the property to which they relate has come into the possession of the police before or after the passing of this Act or the making of the regulations.
- (6) The regulations shall be laid before Parliament as soon as may be after they are made.

3 Extent, repeal, and short title.

- (1) This Act shall not extend to Scotland.
- (2) In the application of this Act to Ireland, the Chief Secretary shall be substituted for the Secretary of State.
- (3) Sections twenty-nine and thirty of the Metropolitan Police Courts Act, 1839, are hereby repealed.
- (4) This Act may be cited as the Police (Property) Act, 1897.