

1975 No. 1474**POLICE****The Police (Disposal of Property) Regulations 1975**

Made - - - - - 6th September 1975
Laid before Parliament 18th September 1975
Coming into Operation 1st November 1975

In pursuance of section 2 of the Police (Property) Act 1897(a), as extended by section 43(5) of the Powers of Criminal Courts Act 1973(b), I hereby make the following Regulations:—

1. These Regulations may be cited as the Police (Disposal of Property) Regulations 1975 and shall come into operation on 1st November 1975.

2. The Interpretation Act 1889(c) shall apply for the interpretation of these Regulations as it applies for the interpretation of an Act of Parliament.

3. The Police (Property) Act 1897 Regulations, made on 14th February 1898, are hereby revoked.

4.—(1) This Regulation applies to property in the possession of the police to which the Police (Property) Act 1897 applies and in respect of which—

(a) in the case of property in the possession of the police by virtue of section 43 of the Powers of Criminal Courts Act 1973, no application by a claimant has been made within six months of the making of the order under that section or no such application has succeeded;

(b) in any other case the owner has not been ascertained and no order of a competent court has been made.

(2) Subject to the following provisions of this Regulation, property to which this Regulation applies (other than money) shall be sold.

(3) If the Chief Officer of Police is satisfied that the nature of the property is such that it is not in the public interest that it should be sold, it shall be destroyed or otherwise disposed of in accordance with his directions.

(4) Subject to section 2(3) of the Police (Property) Act 1897 (which provides for the sale of property which is perishable or the custody of which involves unreasonable expense or inconvenience) property which is in the possession of the police by virtue of section 43 of the Powers of Criminal Courts Act 1973 shall not be disposed of until the expiration of six months from the date on which the order in respect of the property was made under that section on the conviction of an offender or, if an application by a claimant of the property has been made within that period or the offender has appealed against the conviction or sentence, until that application or appeal has been determined; and any other property shall not be disposed of until it has remained in the possession of the police for a year.

 (a) 1897 c. 30.

(b) 1973 c. 62.

(c) 1889 c. 63.

(5) The proceeds of all sales under this Regulation and any money to which this Regulation applies shall be paid to the Police Authority and shall be kept in a separate account to be called the Police Property Act Fund (hereinafter referred to as "the Fund").

(6) The Fund, or any part thereof, may be invested as the Police Authority think fit and the income derived from the investments shall be added to and become part of the Fund.

(7) The moneys, including income from investments, standing to the credit of the Fund shall be applicable:—

(a) to defray expenses incurred in the conveyance, storage and safe custody of the property and in connection with its sale and otherwise in executing these Regulations;

(b) to pay reasonable compensation, the amount of which shall be fixed by the Police Authority, to persons by whom property has been delivered to the police;

(c) to make payments of such amounts as the Police Authority may determine for such charitable purposes as they may select.

(8) The Chief Officer of Police may, at the request of the Police Authority, exercise the powers and perform the duties of the Police Authority under the foregoing paragraphs of this Regulation.

(9) The Fund shall be audited by an auditor nominated for that purpose by the Police Authority.

Roy Jenkins,
One of Her Majesty's Principal
Secretaries of State.

Home Office,
Whitehall.
6th September 1975.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations revoke the Police (Property) Act 1897 Regulations made on 14th February 1898 and make fresh provision with respect to the disposal of property which is in the possession of the police and to which the Police (Property) Act 1897 applies.

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