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STATUTORY INSTRUMENTS

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**1997 No. 1908**

**POLICE**

**The Police (Property) Regulations 1997**

*Made* - - - - *31st July 1997*  
*Laid before Parliament* *7th August 1997*  
*Coming into force* - - *1st September 1997*

The Secretary of State, in pursuance of section 2 of the Police (Property) Act 1897<sup>(1)</sup>, and section 43(5), (6) and (7) of the Powers of Criminal Courts Act 1973<sup>(2)</sup>, hereby makes the following Regulations:

1. These Regulations may be cited as the Police (Property) Regulations 1997 and shall come into force on 1st September 1997.

2. The Police (Disposal of Property) Regulations 1975<sup>(3)</sup> are hereby revoked.

3. In these Regulations:

“the relevant authority” means

(a) in relation to a police area in England and Wales listed in Schedule 1 to the Police Act 1996<sup>(4)</sup> or the City of London police area, the police authority (within the meaning of that Act);

(b) in relation to the metropolitan police district, the Receiver for the Metropolitan Police District;

“the 1897 Act” means the Police (Property) Act 1897.

4.—(1) Subject to regulation 5 below, this regulation applies to property in the possession of the police to which the 1897 Act applies in respect of which the owner has not been ascertained and no order of a competent court has been made.

(2) Subject to section 2(3) of the 1897 Act (which provides for the sale of property which is perishable or the custody of which involves unreasonable expense or inconvenience) property to which this regulation applies shall not be disposed of until it has remained in the possession of the police for a year.

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(1) 1897 c. 30; section 2 was amended by section 1 of the Police (Property) Act 1997 (c. 30).

(2) 1973 c. 62; section 43(5) was amended and subsections (6) and (7) added by section 2 of the Police (Property) Act 1997.

(3) S.I.1975/1474.

(4) 1996 c. 16.

5.—(1) This regulation applies to property which is in the possession of the police by virtue of section 43 of the Powers of Criminal Courts Act 1973 and in respect of which 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.

(2) Subject to section 2(3) of the 1897 Act, property to which this regulation applies 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.

6.—(1) After the expiration of the period referred to in regulation 4(2) or 5(2) above, as applicable, property to which these regulations apply (other than money) may be sold.

(2) The proceeds of all sales under these Regulations and any money to which these Regulations apply shall be paid to the relevant authority and shall be kept in a separate account to be called the Police Property Act Fund (“the Fund”).

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

(4) 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 relevant authority, to persons by whom property has been delivered to the police;
- (c) to make payments of such amounts as the relevant authority may determine for such charitable purposes as they may select.

(5) The Chief Officer of Police may, at the request of the relevant authority, exercise the powers and perform the duties of the authority under the foregoing paragraphs of this regulation.

(6) The Fund shall be audited by an auditor nominated for that purpose by the relevant authority.

7.—(1) After the expiration of the period referred to in regulation 4(2) or 5(2) above, as applicable, if in the opinion of the relevant authority property to which these Regulations apply (other than money) can be used for police purposes, the relevant authority may determine that the property is to be retained by the authority and the property shall vest in them on the making of the determination.

(2) A determination under paragraph (1) above shall be recorded in writing and published in such manner as the authority think fit and that record shall include the date on which the determination is made.

(3) No determination under paragraph (1) above may be made in relation to any property in relation to which an order has been made under section 43A of the Powers of Criminal Courts Act 1973(5).

8. If the Chief Officer of Police is satisfied that the nature of any property to which these Regulations apply is such that it is not in the public interest that it should be sold or retained, it shall be destroyed or otherwise disposed of in accordance with his directions.

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(5) Section 43A was inserted by section 107 of the Criminal Justice Act 1988 (c. 33).

Home Office  
31st July 1997

*Alun Michael*  
Minister of State

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, which extend to England and Wales only, revoke the Police (Disposal of Property) Regulations 1975. They substantially re-enact the provisions in those regulations relating to sale and disposal of property in the possession of the police to which the Police (Property) Act 1897 (“the 1897 Act”) applies with drafting amendments. The regulations also make provision for the retention of property by the police in certain circumstances following amendment to the 1897 Act by the Police (Property) Act [1997 \(c. 30\)](#).