

1999 No. 269

CRIMINAL LAW, ENGLAND AND WALES

CRIMINAL LAW, SCOTLAND

**The Police (Retention and Disposal of Items seized under
section 60 of the Criminal Justice and Public Order Act
1994) Regulations 1999**

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| <i>Made</i> - - - - | <i>5th February 1999</i> |
| <i>Laid before Parliament</i> | <i>8th February 1999</i> |
| <i>Coming into force</i> | <i>1st March 1999</i> |

The Secretary of State, in exercise of the powers conferred on him by section 60A of the Criminal Justice and Public Order Act 1994(a), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Retention and Disposal of Items seized under section 60 of the Criminal Justice and Public Order Act 1994) Regulations 1999 and shall come into force on 1st March 1999.

Interpretation

2. In these Regulations—

“owner” in relation to an item to which regulation 3 below applies means the person from whom it was seized, and “ownership” shall be construed accordingly;

“the 1994 Act” means the Criminal Justice and Public Order Act 1994.

Retention and safe-keeping

3.—(1) This regulation applies to any item which has been seized by a constable under section 60 of the 1994 Act(b), unless it is an item of property to which the Police (Property) Regulations 1997(c) apply.

(2) An item to which this regulation applies shall be retained by, or in accordance with arrangements made by, the chief officer of the police force of which the constable by whom it was seized is a member (or, where the constable concerned is not a member of a police force, the person who has the direction and control of the body of constables in question) for the period set

(a) 1994 c. 33; section 60A was inserted by section 26 of the Crime and Disorder Act 1998 (c. 37).

(b) Section 60 was amended by section 25 of the Crime and Disorder Act 1998 and by section 8 of the Knives Act 1997 (c. 21).

(c) S.I. 1997/1908.

out in paragraph (3) below from the date on which it was seized unless, before the end of that period, the owner of the item has been ascertained and has made an application under regulation 4 below which has been successful.

(3) The period referred to in paragraph (2) above shall be 2 months in the case of an item seized under section 60(4A)(b) of the 1994 Act (items worn to conceal identity) and 6 months in the case of an item seized under section 60(6) of that Act (dangerous instruments and offensive weapons).

(4) Any item to which this regulation applies and which is for the time being retained under paragraph (2) shall be kept safely and, so far as possible, in the same condition as when it was seized under section 60 of the 1994 Act.

Disposal to the owner

4.—(1) The owner of an item to which regulation 3 above applies may, at any time within the period referred to in paragraph (2) of that regulation, apply to the chief officer of the police force by which it is retained or, as the case may require, to the person referred to in that paragraph by whom it is retained for the item to be released to him.

(2) An application under this regulation shall be made orally or in writing and shall be accompanied by evidence of ownership by the applicant.

(3) Where the chief officer or other person to whom application is made under this regulation is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the item concerned to be returned to the applicant.

Disposal otherwise than to the owner and destruction

5.—(1) After the expiration of the period referred to in regulation 3(2) above or the determination of an unsuccessful application under regulation 4 above, whichever is the later, an item to which regulation 3 above applies shall, subject to paragraph (2) below, be destroyed or otherwise disposed of in accordance with the directions of the chief officer or other person by whom the item is retained.

(2) Where further retention of such an item is, in the opinion of the chief officer or other person concerned, necessary for the purposes of criminal proceedings, the item shall be retained until he is satisfied that retention is no longer necessary and then destroyed or otherwise disposed of in accordance with his directions.

Home Office
5th February 1999

Paul Boateng
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which extend to Great Britain provide for the retention, safe-keeping, disposal and destruction of items seized under section 60 of the Criminal Justice and Public Order Act 1994 (offensive and dangerous weapons and items worn for the purpose of concealing identity).

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