



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 2

POWERS OF SEIZURE

Return or retention of seized property

53 Examination and return of property seized under s. 50 or 51

- (1) This section applies where anything has been seized under a power conferred by section 50 or 51.
- (2) It shall be the duty of the person for the time being in possession of the seized property in consequence of the exercise of that power to secure that there are arrangements in force which (subject to section 61) ensure—
 - (a) that an initial examination of the property is carried out as soon as reasonably practicable after the seizure;
 - (b) that that examination is confined to whatever is necessary for determining how much of the property falls within subsection (3);
 - (c) that anything which is found, on that examination, not to fall within subsection (3) is separated from the rest of the seized property and is returned as soon as reasonably practicable after the examination of all the seized property has been completed; and
 - (d) that, until the initial examination of all the seized property has been completed and anything which does not fall within subsection (3) has been returned, the seized property is kept separate from anything seized under any other power.
- (3) The seized property falls within this subsection to the extent only—
 - (a) that it is property for which the person seizing it had power to search when he made the seizure but is not property the return of which is required by section 54;
 - (b) that it is property the retention of which is authorised by section 56; or

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 53. (See end of Document for details)

- (c) that it is something which, in all the circumstances, it will not be reasonably practicable, following the examination, to separate from property falling within paragraph (a) or (b).
- (4) In determining for the purposes of this section the earliest practicable time for the carrying out of an initial examination of the seized property, due regard shall be had to the desirability of allowing the person from whom it was seized, or a person with an interest in that property, an opportunity of being present or (if he chooses) of being represented at the examination.
- (5) In this section, references to whether or not it is reasonably practicable to separate part of the seized property from the rest of it are references to whether or not it is reasonably practicable to do so without prejudicing the use of the rest of that property, or a part of it, for purposes for which (disregarding the part to be separated) the use of the whole or of a part of the rest of the property, if retained, would be lawful.

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