

*These notes refer to the Criminal Justice and Police Act  
2001 (c.16) which received Royal Assent on 11th May 2001*

# CRIMINAL JUSTICE AND POLICE ACT 2001

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 2: Powers of seizure**

#### **Outline of proposals**

#### ***Section 53: Examination and return of property seized under s. 50 or 51***

168. This section sets out how the examination of the property seized under sections 50 and 51 should take place and what can be retained. *Subsection (2)* deals with the examination and *subsection (3)* sets out what material does not need to be returned. The aim is to enable the police and others to retain whatever they could have seized had the examination taken place on the premises. *Subsections (3)* and *(5)* permit the retention of inextricably linked material. This is material which it is not reasonably practicable to be separated from material that can be seized without prejudicing the use of that seizable material. For example, it means the police or others may retain a whole computer hard drive which contains a certain document which is evidence of an offence if the rest of the hard drive is needed to prove when that document was created, amended or deleted. *Subsection (4)* refers to giving the occupier or some other person with an interest in the property an opportunity to be present at the examination.