



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 2

POWERS OF SEIZURE

Additional powers of seizure

51 Additional powers of seizure from the person

(1) Where—

- (a) a person carrying out a lawful search of any person finds something that he has reasonable grounds for believing may be or may contain something for which he is authorised to search,
- (b) a power of seizure to which this section applies or the power conferred by subsection (2) would entitle him, if he found it, to seize whatever it is that he has grounds for believing that thing to be or to contain, and
- (c) in all the circumstances it is not reasonably practicable for it to be determined, at the time and place of the search—
 - (i) whether what he has found is something that he is entitled to seize, or
 - (ii) the extent to which what he has found contains something that he is entitled to seize,

that person's powers of seizure shall include power under this section to seize so much of what he has found as it is necessary to remove from that place to enable that to be determined.

(2) Where—

- (a) a person carrying out a lawful search of any person finds something (“the seizable property”) which he would be entitled to seize but for its being comprised in something else that he has (apart from this subsection) no power to seize,
- (b) the power under which that person would have power to seize the seizable property is a power to which this section applies, and

Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 51. (See end of Document for details)

- (c) in all the circumstances it is not reasonably practicable for the seizable property to be separated, at the time and place of the search, from that in which it is comprised,

that person's powers of seizure shall include power under this section to seize both the seizable property and that from which it is not reasonably practicable to separate it.

- (3) The factors to be taken into account in considering, for the purposes of this section, whether or not it is reasonably practicable, at the time and place of a search, for something to be determined, or for something to be separated from something else, shall be confined to the following—

- (a) how long it would take to carry out the determination or separation at that time and place;
- (b) the number of persons that would be required to carry out that determination or separation at that time and place within a reasonable period;
- (c) whether the determination or separation would (or would if carried out at that time and place) involve damage to property;
- (d) the apparatus or equipment that it would be necessary or appropriate to use for the carrying out of the determination or separation; and
- (e) in the case of separation, whether the separation—
 - (i) would be likely, or
 - (ii) if carried out by the only means that are reasonably practicable at that time and place, would be likely,

to prejudice the use of some or all of the separated seizable property for a purpose for which something seized under the power in question is capable of being used.

- (4) Section 19(6) of the 1984 Act and Article 21(6) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12)) (powers of seizure not to include power to seize anything a person has reasonable grounds for believing is legally privileged) shall not apply to the power of seizure conferred by subsection (2).

- (5) This section applies to each of the powers of seizure specified in Part 2 of Schedule 1.

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