
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Paragraph 12. (See end of Document for details)

SCHEDULES

SCHEDULE 11

POWERS OF ENTRY, SEARCH, SEIZURE AND RETENTION

Power to retain items

- 12 (1) **This paragraph** applies if—
- (a) a device is surrendered by virtue of a condition of the kind mentioned in **paragraph 8(4)(e)** of **Schedule 7** (surrendering of electronic communication devices for inspection or modification purposes), and
 - (b) a constable has reasonable grounds for believing that the device is or contains evidence in relation to an offence.
- (2) The device may be seized and retained for as long as is necessary in all the circumstances.
- (3) In particular—
- (a) the thing may be retained—
 - (i) for use as evidence at a trial for an offence, or
 - (ii) for forensic examination or for investigation in connection with an offence, and
 - (b) if a constable has reasonable grounds for believing that the device has been obtained in consequence of the commission of an offence, it may be retained in order to establish its lawful owner.
- (4) Nothing may be retained for either of the purposes mentioned in **sub-paragraph (3)(a)** if a photograph or copy would be sufficient for that purpose.

Commencement Information

I1 Sch. 11 para. 12 not in force at Royal Assent, see 100(1)

I2 **Sch. 11 para. 12** in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(b)**

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