



# Police and Criminal Evidence Act 1984

## 1984 CHAPTER 60

### PART II

#### POWERS OF ENTRY, SEARCH AND SEIZURE

##### *Seizure etc.*

#### **19 General power of seizure etc.**

- (1) The powers conferred by subsections (2), (3) and (4) below are exercisable by a constable who is lawfully on any premises.
- (2) The constable may seize anything which is on the premises if he has reasonable grounds for believing—
  - (a) that it has been obtained in consequence of the commission of an offence; and
  - (b) that it is necessary to seize it in order to prevent it being concealed, lost, damaged, altered or destroyed.
- (3) The constable may seize anything which is on the premises if he has reasonable grounds for believing—
  - (a) that it is evidence in relation to an offence which he is investigating or any other offence; and
  - (b) that it is necessary to seize it in order to prevent the evidence being concealed, lost, altered or destroyed.
- (4) The constable may require any information which is contained in a computer and is accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible if he has reasonable grounds for believing—
  - (a) that—
    - (i) it is evidence in relation to an offence which he is investigating or any other offence; or
    - (ii) it has been obtained in consequence of the commission of an offence; and

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- (b) that it is necessary to do so in order to prevent it being concealed, lost, tampered with or destroyed.
- (5) The powers conferred by this section are in addition to any power otherwise conferred.
- (6) No power of seizure conferred on a constable under any enactment (including an enactment contained in an Act passed after this Act) is to be taken to authorise the seizure of an item which the constable exercising the power has reasonable grounds for believing to be subject to legal privilege.

**Modifications etc. (not altering text)**

- C1** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a)(5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3-11, Schs. 1, 2
- C2** S. 19 extended (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 19(a)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**
- C3** S. 19(6) modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 16(f)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 19(6) modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 17(c)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 19(6) modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 18(c)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 19(6) modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 19(c)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

**20 Extension of powers of seizure to computerised information.**

- (1) Every power of seizure which is conferred by an enactment to which this section applies on a constable who has entered premises in the exercise of a power conferred by an enactment shall be construed as including a power to require any information contained in a computer and accessible from the premises to be produced in a form in which it can be taken away and in which it is visible and legible.
- (2) This section applies—
- to any enactment contained in an Act passed before this Act;
  - to sections 8 and 18 above;
  - to paragraph 13 of Schedule 1 to this Act; and
  - to any enactment contained in an Act passed after this Act.

**Modifications etc. (not altering text)**

- C4** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a)(5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), Sch. 1 applied with modifications by S.I. 1985/1800, arts. 3-11, Schs. 1, 2
- C5** S. 20 modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 16(g)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 20 modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 17(d)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**  
S. 20 modified (2.12.2002) by Police Reform Act 2002 (c. 30), s. 38, **Sch. 4 Pt. 2 para. 18(d)**; S.I. 2002/2750, **art. 2(a)(ii)(d)**

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## 21 Access and copying.

- (1) A constable who seizes anything in the exercise of a power conferred by any enactment, including an enactment contained in an Act passed after this Act, shall, if so requested by a person showing himself—
  - (a) to be the occupier of premises on which it was seized; or
  - (b) to have had custody or control of it immediately before the seizure,provide that person with a record of what he seized.
- (2) The officer shall provide the record within a reasonable time from the making of the request for it.
- (3) Subject to subsection (8) below, if a request for permission to be granted access to anything which—
  - (a) has been seized by a constable; and
  - (b) is retained by the police for the purpose of investigating an offence,is made to the officer in charge of the investigation by a person who had custody or control of the thing immediately before it was so seized or by someone acting on behalf of such a person, the officer shall allow the person who made the request access to it under the supervision of a constable.
- (4) Subject to subsection (8) below, if a request for a photograph or copy of any such thing is made to the officer in charge of the investigation by a person who had custody or control of the thing immediately before it was so seized, or by someone acting on behalf of such a person, the officer shall—
  - (a) allow the person who made the request access to it under the supervision of a constable for the purpose of photographing or copying it; or
  - (b) photograph or copy it, or cause it to be photographed or copied.
- (5) A constable may also photograph or copy, or have photographed or copied, anything which he has power to seize, without a request being made under subsection (4) above.
- (6) Where anything is photographed or copied under subsection (4)(b) above, the photograph or copy shall be supplied to the person who made the request.
- (7) The photograph or copy shall be so supplied within a reasonable time from the making of the request.
- (8) There is no duty under this section to grant access to, or to supply a photograph or copy of, anything if the officer in charge of the investigation for the purposes of which it was seized has reasonable grounds for believing that to do so would prejudice—
  - (a) that investigation;
  - (b) the investigation of an offence other than the offence for the purposes of investigating which the thing was seized; or
  - (c) any criminal proceedings which may be brought as a result of—
    - (i) the investigation of which he is in charge; or
    - (ii) any such investigation as is mentioned in paragraph (b) above.

### Modifications etc. (not altering text)

- C6** Ss. 8, 9, 15, 16, 17(1)(b) (2) (4), 18-20, 21, 22(1)-(4), 28, 29, 30(1)-(4)(a) (5)-(11), 31, 32(1)-(9), 34(1)-(5), 35, 36, 37, 39, 40-44, 50, 51(d), 52, 54, 55, 64(1)-(4)(5)(6), Sch. 1 applied with modifications by [S.I. 1985/1800](#), [arts. 3-11](#), [Schs. 1, 2](#)

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- C7** Ss. 21, 22 amended by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\), s. 29\(1\)](#)  
 S. 21 modified: (3.2.1995) by [1994 c. 37, ss. 57\(1\), 69\(2\)](#); (1.11.1995) by [1995 c. 11, s. 15\(2\)](#) and [S.I. 1995/2650, art.2](#)  
 S. 21 modified (19.2.2001) by [2000 c. 11, s. 37, Sch. 5 para. 17](#); [S.I. 2001/421, art. 2](#)  
 S. 21 extended (1.11.1995) by [1988 c. 33, s. 93H](#) (as inserted by [1995 c. 11, s.11](#); [S.I. 1995/2650, art.2](#))
- C8** S. 21 modified (1.9.2001) by [S.I. 1996/716, art 17D](#) (as inserted by [S.I. 2001/2563, art. 2](#))
- C9** S. 21 modified (1.9.2001) by [2001 c. 17, s. 37, Sch. 5 Pt. I para. 6\(5\)](#); [S.I. 2001/2161, art. 2](#) (subject to art. 3)  
 S. 21 modified (2.12.2002) by [2002 c. 30, s. 38, Sch. 4 Pt. 2 para. 20](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)
- C10** S. 21: power to apply (with modifications) conferred (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\), ss. 355\(1\)\(2\)\(3\)\(c\), 458\(1\)\(3\)](#); [S.I. 2003/120, art. 2, Sch.](#) (subject to transitional provisions and savings in arts. 3-7 (as amended by [S.I. 2003/333, art. 14](#) which in turn is amended by [S.I. 2003/531, arts. 3, 4](#)))
- C11** S. 21 applied (with modifications) (24.2.2003) by [The Proceeds of Crime Act 2002 \(Application of Police and Criminal Evidence Act 1984 and Police and Criminal Evidence \(Northern Ireland\) Order 1989\) Order 2003 \(S.I. 2003/174\), {arts. 4}, 10, Sch. 1](#)
- C12** S. 21 applied (25.7.2003) by [The Advanced Television Services Regulations 2003 \(S.I. 2003/1901\), reg. 8, Sch. para. 12](#) (with [reg. 2\(2\)](#))
- C13** S. 21(1) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 16\(h\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(1) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 17\(e\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(1) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 18\(e\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(1) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 19\(d\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)
- C14** S. 21(2) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 16\(h\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(2) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 17\(e\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(2) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 18\(e\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(2) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 19\(d\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)
- C15** S. 21(3)-(8) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 16\(i\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(3)-(8) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 17\(f\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(3)-(8) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 18\(f\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)  
 S. 21(3)-(8) modified (2.12.2002) by [Police Reform Act 2002 \(c. 30\), s. 38, Sch. 4 Pt. 2 para. 19\(e\)](#); [S.I. 2002/2750, art. 2\(a\)\(ii\)\(d\)](#)

## 22 Retention.

- (1) Subject to subsection (4) below, anything which has been seized by a constable or taken away by a constable following a requirement made by virtue of section 19 or 20 above may be retained so long as is necessary in all the circumstances.
- (2) Without prejudice to the generality of subsection (1) above—

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- (a) anything seized for the purposes of a criminal investigation may be retained, except as provided by subsection (4) below—
    - (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) anything may be retained in order to establish its lawful owner, where there are reasonable grounds for believing that it has been obtained in consequence of the commission of an offence.
- (3) Nothing seized on the ground that it may be used—
- (a) to cause physical injury to any person;
  - (b) to damage property;
  - (c) to interfere with evidence; or
  - (d) to assist in escape from police detention or lawful custody,
- may be retained when the person from whom it was seized is no longer in police detention or the custody of a court or is in the custody of a court but has been released on bail.
- (4) Nothing may be retained for either of the purposes mentioned in subsection (2)(a) above if a photograph or copy would be sufficient for that purpose.
- (5) Nothing in this section affects any power of a court to make an order under section 1 of the <sup>M1</sup>Police (Property) Act 1897.

#### **Modifications etc. (not altering text)**

- C16** Ss. 21, 22 amended by [Drug Trafficking Offences Act 1986 \(c. 32, SIF 39:1\)](#), [s. 29\(1\)](#)  
S. 22 modified: (3.2.1995) by [1994 c. 37, ss. 57\(1\), 69\(2\)](#); (1.11.1995) by [1995 c. 11, s. 15\(2\)](#) and [S.I. 1995/2650, art.2](#)  
S. 22 extended (1.11.1995) by [1988 c. 33, s. 93H](#) (as inserted by [1995 c. 11, s.11](#); [S.I. 1995/2650, art.2](#))
- C17** Ss. 8, 9, 15, 16, 17(1)(b)(2) (4), 18–20, 21, 22(1)–(4), 28, 29, 30(1)–(4)(a)(5)–(11), 31, 32(1)–(9), 34(1)–(5), 35, 36, 37, 39, 40–44, 50, 51(d), 52, 54, 55, 64(1)–(4)(5)(6), Sch. 1 applied with modifications by [S.I. 1985/1800, arts. 3–11, Schs. 1, 2](#)

#### **Marginal Citations**

- M1** 1897 c. 30.

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