



Criminal Justice Act 1972

1972 CHAPTER 71

PART I

POWERS FOR DEALING WITH OFFENDERS

Other powers

23 Power to deprive offender of property used, or intended for use, for purposes of crime

- (1) Where a person is convicted of an offence punishable on indictment with not less than two years' imprisonment and the court by or before which he is convicted is satisfied that any property which was in his possession or under his control at the time of his apprehension—
 - (a) has been used for the purpose of committing, or facilitating the commission of, any offence ; or
 - (b) was intended by him to be used for that purpose,the court may make an order under this section in respect of that property.
- (2) An order under this section shall operate to deprive the offender of his rights, if any, in the property to which it relates, and the property shall (if not already in their possession) be taken into the possession of the police.
- (3) The Police (Property) Act 1897 shall apply, with the following modifications, to property which is in the possession of the police by virtue of this section—
 - (a) no application shall be made under section 1(1) of that Act by any claimant of the property after the expiration of six months from the date on which the order in respect of the property was made under this section ; and
 - (b) no such application shall succeed unless the claimant satisfies the court either that he had not consented to the offender having possession of the property or that he did not know, and had no reason to suspect, that the property was likely to be used for the purpose mentioned in subsection (1) of this section.

Status: This is the original version (as it was originally enacted).

- (4) In relation to such property as aforesaid, the power to make regulations under section 2(1) of the said Act of 1897 (disposal of property in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect there to) shall include power to make regulations for disposal in cases where no application by a claimant of the property has been made within the period specified in subsection (3)(a) of this section or no such application has succeeded.
- (5) In Scotland, where a person is convicted on indictment of an offence, and the court which passes sentence is satisfied, in regard to any property which was in his possession or under his control at the time of his apprehension, that the property has been used or was intended by him to be used for the purpose mentioned in subsection (1)(a) and (b) of this section, that property shall be liable to forfeiture, and any property forfeited under this section shall be disposed of as the court may direct.
- (6) References in this section to facilitating the commission of an offence include references to the taking of any steps after it has been committed for the purpose of disposing of any property to which it relates or of avoiding apprehension or detection.