



Police and Criminal Evidence Act 1984

1984 CHAPTER 60

PART II

POWERS OF ENTRY, SEARCH AND SEIZURE

Seizure etc.

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—
 - (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.

Status: Point in time view as at 01/06/2015. This version of this provision has been superseded.

Changes to legislation: Police and Criminal Evidence Act 1984, Section 22 is up to date with all changes known to be in force on or before 23 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (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 ^{M1}Police (Property) Act 1897.
- [^{F1}(6) This section also applies to anything retained by the police under section 28H(5) of the ^{M2}Immigration Act 1971.]
- [^{F2}(7) The reference in subsection (1) to anything seized by a constable includes anything seized by a person authorised under section 16(2) to accompany a constable executing a warrant.]

Textual Amendments

- F1** S. 22(6) inserted (14.2.2000) by 1999 c. 33, s. 169(1), **Sch. 14 para. 80(3)**; S.I. 2000/168, art. 2, **Sch.**
- F2** S. 22(7) inserted (20.1.2004) by Criminal Justice Act 2003 (c. 44), ss. 12, 336, **Sch. 1 para. 4**; S.I. 2004/81, **art. 2(1)(2)(a)**

Modifications etc. (not altering text)

- C1** 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 modified (19.2.2001) by 2000 c. 11, s. 37, **Sch. 5 para. 17**; S.I. 2001/421, **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**)
- C2** S. 22 modified (1.9.2001) by S.I. 1996/716, **art. 17D** (as inserted (1.9.2001) by S.I. 2001/2563, **art. 2**)
- C3** S. 22 applied (1.4.2003) by 2001 c. 16, ss. 57(1)(a)(4), 138; S.I. 2003/708, **art. 2(a)**
- C4** S. 22 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. 22 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. 22 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. 22 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. 22 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)**
- C5** S. 22: power to apply (with modifications) conferred (24.2.2003) by Proceeds of Crime Act 2002 (c. 29), **ss. 355(1)(2)(3)(d), 458**; 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**))
- C6** S. 22 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. 5}, 10, Sch. 1
- C7** S. 22 modified by 2002 c. 30, Sch. 4 para. 2B(e) (as inserted (13.5.2014) by Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), s. 185(1), **Sch. 10 para. 4** (with ss. 21, 33, 42, 58, 75, 93); S.I. 2014/949, **art. 3, Sch. para. 22**)
- C8** S. 22 applied (with modifications) (1.6.2015) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) Order 2015 (S.I. 2015/759), **arts. 1(1), 5** (as amended (31.1.2018 for specified purposes, 16.4.2018 in so far as not already in force) by The Proceeds of Crime Act 2002 (Application of Police and Criminal Evidence Act 1984) (Amendment) Order 2017 (S.I. 2017/1222), **art. 1(2)(3), 2(5)**)

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- C9** 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
- C10** S. 22(1)-(4) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C11** S. 22(1)-(4) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)
- C12** S. 22(7) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 3(2)-(4), **Sch. 1** (with arts. 4-11)
- C13** S. 22(7) applied (with modifications) (25.6.2013) by [The Police and Criminal Evidence Act 1984 \(Application to immigration officers and designated customs officials in England and Wales\) Order 2013 \(S.I. 2013/1542\)](#), arts. 1, 12(2)-(4), **Sch. 2** (with arts. 13-31)

Marginal Citations

- M1** 1897 c. 30.
M2 1971 c. 77.

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