



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 2

#### POWERS OF SEIZURE

##### *Supplemental provisions of Part 2*

#### **67 Application to customs officers**

The powers conferred by section 114(2) of the 1984 Act and Article 85(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (application of provisions relating to police officers to customs officers) shall have effect in relation to the provisions of this Part as they have effect in relation to the provisions of that Act or, as the case may be, that Order.

#### **68 Application to Scotland**

(1) In the application of this Part to Scotland—

- (a) subsection (4) of section 54 and subsection (10) of section 59 shall each have effect with the omission of paragraph (c) of that subsection;
- (b) section 55 and subsection (3)(c) of section 59 shall be omitted; and
- (c) Schedule 1 shall have effect as if the powers specified in that Schedule did not include any power of seizure under any enactment mentioned in that Schedule, so far as it is exercisable in Scotland by a constable, except a power conferred by an enactment mentioned in subsection (2).

(2) Those enactments are—

- (a) section 43(5) of the Gaming Act 1968 (c. 65);
- (b) section 44A(3) of the Insurance Companies Act 1982 (c. 50);
- (c) section 448(3) of the Companies Act 1985 (c. 6);
- (d) section 199(3) of the Financial Services Act 1986 (c. 60);
- (e) section 43(2) of the Banking Act 1987 (c. 22); and

- (f) section 176(5) of the Financial Services and Markets Act 2000 (c. 8).

**69 Application to powers designated by order**

- (1) The Secretary of State may by order—
- (a) provide for any power designated by the order to be added to those specified in Schedule 1 or section 63(2);
  - (b) make any modification of the provisions of this Part which the Secretary of State considers appropriate in consequence of any provision made by virtue of paragraph (a);
  - (c) make any modification of any enactment making provision in relation to seizures, or things seized, under a power designated by an order under this subsection which the Secretary of State considers appropriate in consequence of any provision made by virtue of that paragraph.
- (2) Where the power designated by the order made under subsection (1) is a power conferred in relation to Scotland, the Secretary of State shall consult the Scottish Ministers before making the order.
- (3) The power to make an order under subsection (1) shall be exercisable by statutory instrument; and no such order shall be made unless a draft of it has been laid before Parliament and approved by a resolution of each House.
- (4) In this section “modification” includes any exclusion, extension or application.

**70 Consequential applications and amendments of enactments**

Schedule 2 (which applies enactments in relation to provision made by this Part and contains minor and consequential amendments) shall have effect.