



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 2

#### POWERS OF SEIZURE

##### *Additional powers of seizure*

VALID FROM 01/04/2003

#### **52 Notice of exercise of power under s. 50 or 51**

- (1) Where a person exercises a power of seizure conferred by section 50, it shall (subject to subsections (2) and (3)) be his duty, on doing so, to give to the occupier of the premises a written notice—
  - (a) specifying what has been seized in reliance on the powers conferred by that section;
  - (b) specifying the grounds on which those powers have been exercised;
  - (c) setting out the effect of sections 59 to 61;
  - (d) specifying the name and address of the person to whom notice of an application under section 59(2) to the appropriate judicial authority in respect of any of the seized property must be given; and
  - (e) specifying the name and address of the person to whom an application may be made to be allowed to attend the initial examination required by any arrangements made for the purposes of section 53(2).
- (2) Where it appears to the person exercising on any premises a power of seizure conferred by section 50—
  - (a) that the occupier of the premises is not present on the premises at the time of the exercise of the power, but
  - (b) that there is some other person present on the premises who is in charge of the premises,

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*Status: Point in time view as at 01/12/2001. This version of this provision is not valid for this point in time.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 52. (See end of Document for details)*

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subsection (1) of this section shall have effect as if it required the notice under that subsection to be given to that other person.

- (3) Where it appears to the person exercising a power of seizure conferred by section 50 that there is no one present on the premises to whom he may give a notice for the purposes of complying with subsection (1) of this section, he shall, before leaving the premises, instead of complying with that subsection, attach a notice such as is mentioned in that subsection in a prominent place to the premises.
- (4) Where a person exercises a power of seizure conferred by section 51 it shall be his duty, on doing so, to give a written notice to the person from whom the seizure is made—
  - (a) specifying what has been seized in reliance on the powers conferred by that section;
  - (b) specifying the grounds on which those powers have been exercised;
  - (c) setting out the effect of sections 59 to 61;
  - (d) specifying the name and address of the person to whom notice of any application under section 59(2) to the appropriate judicial authority in respect of any of the seized property must be given; and
  - (e) specifying the name and address of the person to whom an application may be made to be allowed to attend the initial examination required by any arrangements made for the purposes of section 53(2).
- (5) The Secretary of State may by regulations made by statutory instrument, after consultation with the Scottish Ministers, provide that a person who exercises a power of seizure conferred by section 50 shall be required to give a notice such as is mentioned in subsection (1) of this section to any person, or send it to any place, described in the regulations.
- (6) Regulations under subsection (5) may make different provision for different cases.
- (7) A statutory instrument containing regulations under subsection (5) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**Status:**

Point in time view as at 01/12/2001. This version of this provision is not valid for this point in time.

**Changes to legislation:**

There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 52.