



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 2

POWERS OF SEIZURE

Return or retention of seized property

54 Obligation to return items subject to legal privilege

- (1) If, at any time after a seizure of anything has been made in exercise of a power of seizure to which this section applies—
- (a) it appears to the person for the time being having possession of the seized property in consequence of the seizure that the property—
 - (i) is an item subject to legal privilege, or
 - (ii) has such an item comprised in it,and
 - (b) in a case where the item is comprised in something else which has been lawfully seized, it is not comprised in property falling within subsection (2),
- it shall be the duty of that person to secure that the item is returned as soon as reasonably practicable after the seizure.
- (2) Property in which an item subject to legal privilege is comprised falls within this subsection if—
- (a) the whole or a part of the rest of the property is property falling within subsection (3) or property the retention of which is authorised by section 56; and
 - (b) in all the circumstances, it is not reasonably practicable for that item to be separated from the rest of that property (or, as the case may be, from that part of it) without prejudicing the use of the rest of that property, or that part of it, for purposes for which (disregarding that item) its use, if retained, would be lawful.

Changes to legislation: *Criminal Justice and Police Act 2001, Section 54 is up to date with all changes known to be in force on or before 19 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) View outstanding changes*

- (3) Property falls within this subsection to the extent that it is property for which the person seizing it had power to search when he made the seizure, but is not property which is required to be returned under this section or section 55.
- (4) This section applies—
- (a) to the powers of seizure conferred by sections 50 and 51;
 - (b) to each of the powers of seizure specified in Parts 1 and 2 of Schedule 1; and
 - (c) to any power of seizure (not falling within paragraph (a) or (b)) conferred on a constable by or under any enactment, including an enactment passed after this Act.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 50(7) inserted by [2024 c. 13 s. 77\(2\)](#)
- s. 57(1)(v) inserted by [2024 c. 13 s. 77\(3\)](#)
- s. 63(1)(d) inserted by [2024 c. 13 s. 77\(4\)](#)
- s. 64(3)(a)(iv) inserted by [2024 c. 13 s. 77\(5\)](#)
- s. 65(3B) inserted by [2024 c. 13 s. 77\(6\)](#)
- s. 66(5)(j) inserted by [2024 c. 13 s. 77\(7\)](#)
- Sch. 1 para. 73W inserted by [2024 c. 13 s. 77\(8\)](#)