



# Criminal Justice and Police Act 2001

## 2001 CHAPTER 16

### PART 2

#### POWERS OF SEIZURE

##### *Return or retention of seized property*

#### 57 Retention of seized items

- (1) This section has effect in relation to the following provisions (which are about the retention of items which have been seized and are referred to in this section as “the relevant provisions”)—
- (a) section 22 of the 1984 Act;
  - (b) Article 24 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12));
  - (c) <sup>F1</sup> .....
  - (d) paragraph 4 of Schedule 9 to the Weights and Measures (Northern Ireland) Order 1981 (S.I. 1981 231 (N.I. 10));
  - <sup>F2</sup>(e) .....
  - (f) section 448(6) of the Companies Act 1985 (c. 6);
  - (g) paragraph 4 of [<sup>F3</sup>Schedule 7 to the Weights and Measures (Packaged Goods) Regulations 2006] ;
  - <sup>F2</sup>(h) .....
  - <sup>F4</sup>(i) .....
  - <sup>F2</sup>(j) .....
  - (k) [<sup>F5</sup>paragraph 7(4) of Schedule 3B to] the Human Fertilisation and Embryology Act 1990 (c. 37);
  - (l) section 5(4) of the Knives Act 1997 (c. 21);
  - (m) paragraph 7(2) of Schedule 9 to the Data Protection Act 1998 (c. 29);
  - (n) section 28(7) of the Competition Act 1998 (c. 41);
  - (o) section 176(8) of the Financial Services and Markets Act 2000 (c. 8);

*Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Criminal Justice and Police Act 2001, Section 57. (See end of Document for details)*

- (p) paragraph 7(2) of Schedule 3 to the Freedom of Information Act 2000 (c. 36).  
 [<sup>F6</sup>(pa) section 227F of the Enterprise Act 2002 <sup>F7</sup>];  
 [<sup>F8</sup>(q) paragraph 5(4) of Schedule 5 to the Human Tissue Act 2004.]  
 [<sup>F9</sup>(r) paragraph 12(3) of Schedule 2 to the Animal Welfare Act 2006.]
- (2) The relevant provisions shall apply in relation to any property seized in exercise of a power conferred by section 50 or 51 as if the property had been seized under the power of seizure by reference to which the power under that section was exercised in relation to that property.
- (3) Nothing in any of sections 53 to 56 authorises the retention of any property at any time when its retention would not (apart from the provisions of this Part) be authorised by the relevant provisions.
- (4) Nothing in any of the relevant provisions authorises the retention of anything after an obligation to return it has arisen under this Part.

#### Textual Amendments

- F1** S. 57(1)(c) repealed (1.12.2007) by [Finance Act 2007 \(c. 11\)](#), ss. 84, 92, 114, [Sch. 22 para. 13\(1\)\(a\)](#), [Sch. 27 Pt. 5\(1\)](#); S.I. 2007/3166, [art. 3\(a\)](#)
- F2** S. 57(1)(e)(h)(j) repealed (1.12.2001) by S.I. 2001/3649, [arts. 1](#), 364(b)
- F3** Words in s. 57(1)(g) substituted (E.W.S.) (6.4.2006) by [The Weights and Measures \(Packaged Goods\) Regulations 2006 \(S.I. 2006/659\)](#), [reg. 1\(2\)](#), [Sch. 1 Pt. 2\(25\)](#) (with [reg. 21](#))
- F4** S. 57(1)(i) omitted (1.10.2009) by virtue of [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), [art. 1\(2\)](#), [Sch. 1 para. 189\(3\)](#) (with [art. 10](#))
- F5** Words in s. 57(1)(k) substituted (1.10.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 7 para. 19](#); S.I. 2009/2232, [art. 2\(y\)](#)
- F6** S. 57(1)(pa) inserted (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/3363\)](#), [reg. 25](#)
- F7** 2002 c.40.
- F8** S. 57(1)(q) inserted (1.3.2006 for certain purposes and 7.4.2006 for certain further purposes and 1.9.2006 otherwise) by [Human Tissue Act 2004 \(c. 30\)](#), ss. 56, 60, [Sch. 6 para. 5\(2\)](#) (with s. 58); S.I. 2006/404, [arts. 2](#), 3, [Sch.](#) (subject to [art. 4](#) and with transitional provisions in [arts. 5](#), 6); S.I. 2006/1997, [art. 3](#) (subject to [arts. 4](#), 7, 8) (as amended by S.I. 2006/2169, [art. 2](#))
- F9** S. 57(1)(r) inserted (27.3.2007 for W. and 6.4.2007 for E. and otherwise prosp.) by [Animal Welfare Act 2006 \(c. 45\)](#), ss. 64, 68, [Sch. 3 para. 14\(1\)](#) (with ss. 1(2), 58(1), 59, 60); S.I. 2007/1030, [art. 2\(1\)\(l\)](#); S.I. 2007/499, [art. 2\(2\)\(l\)](#)

**Status:**

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**Changes to legislation:**

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