



Criminal Justice and Police Act 2001

2001 CHAPTER 16

PART 2 U.K.

POWERS OF SEIZURE

Construction of Part 2

65 Meaning of “legal privilege” U.K.

- (1) Subject to the following provisions of this section, references in this Part to an item subject to legal privilege shall be construed—
- (a) for the purposes of the application of this Part to England and Wales, in accordance with section 10 of the 1984 Act (meaning of “legal privilege”);
 - (b) for the purposes of the application of this Part to Scotland, in accordance with section [F1412 of the Proceeds of Crime Act 2002](interpretation); and
 - (c) for the purposes of the application of this Part to Northern Ireland, in accordance with Article 12 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989 1341 (N.I. 12)) (meaning of “legal privilege”).
- (2) In relation to property which has been seized in exercise, or purported exercise, of—
- (a) the power of seizure conferred by section 28(2) of the Competition Act 1998, or
 - (b) so much of any power of seizure conferred by section 50 as is exercisable by reference to that power,
- references in this Part to an item subject to legal privilege shall be read as references to a privileged communication within the meaning of section 30 of that Act.
- (3) ^{F2}
- [F3(3A) In relation to property which has been seized in exercise, or purported exercise, of—
- (a) the power of seizure conferred by section 352(4) of the Proceeds of Crime Act 2002, or

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(b) so much of any power of seizure conferred by section 50 as is exercisable by reference to that power,

references in this Part to an item subject to legal privilege shall be read as references to privileged material within the meaning of section 354(2) of that Act.]

(4) An item which is, or is comprised in, property which has been seized in exercise, or purported exercise, of the power of seizure conferred by section 448(3) of the Companies Act 1985 (c. 6) shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of section 452(2) of that Act (privileged information).

^{F4}(5)

^{F5}(6)

(7) An item which is, or is comprised in, property which has been seized in exercise, or purported exercise, of the power of seizure conferred by [^{F6}paragraphs 1 and 2 of Schedule 15 to the Data Protection Act 2018] shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of [^{F7}paragraph 11 (matters exempt from inspection and seizure: privileged communications)] of that Schedule (privileged communications).

(8) An item which is, or is comprised in, property which has been seized in exercise, or purported exercise, of the power of seizure conferred by paragraph 1 of Schedule 3 to the Freedom of Information Act 2000 (c. 36) shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of paragraph 9 of that Schedule (privileged communications).

^{F8}(8A)

[^{F9}(8B) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by paragraph 27(1)(b) or 29(1) of Schedule 5 to the Consumer Rights Act 2015 shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of paragraph 27(6) or (as the case may be) 29(6) of that Schedule (privileged documents).]

[^{F10}(8C) An item which is, or is comprised in, property which has been seized in exercise or purported exercise of the power of seizure conferred by paragraph 7(f), (j) or (k) of Schedule 12 to the Online Safety Act 2023 is to be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the seizure of that item was in contravention of paragraph 17(3) of that Schedule (privileged information or documents).]

(9) An item which is, or is comprised in, property which has been seized in exercise, or purported exercise, of so much of any power of seizure conferred by section 50 as is exercisable by reference to a power of seizure conferred by—

(a) section 448(3) of the Companies Act 1985,

(b) Article 441(3) of the Companies (Northern Ireland) Order 1986,

^{F11}(c)

(d) paragraph 1 of Schedule 9 to the Data Protection Act 1998, ^{F12}... ^{F13}...

(e) paragraph 1 of Schedule 3 to the Freedom of Information Act 2000, ^{F14}... [^{F15}or]

^{F14}(f)

[^{F16}(g) paragraph 7(f), (j) or (k) of Schedule 12 to the Online Safety Act 2023.]

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shall be taken for the purposes of this Part to be an item subject to legal privilege if, and only if, the item would have been taken for the purposes of this Part to be an item subject to legal privilege had it been seized under the power of seizure by reference to which the power conferred by section 50 was exercised.

Textual Amendments

- F1** Words in s. 65(1)(b) substituted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458, [Sch. 11 para. 40\(5\)\(a\)](#); 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](#)))
- F2** S. 65(3) repealed (1.12.2007) by [Finance Act 2007 \(c. 11\)](#), ss. 84, 92, 114, [Sch. 22 para. 13\(1\)\(c\)](#), [Sch. 27 Pt. 5\(1\)](#); S.I. 2007/3166, [art. 3\(a\)](#)
- F3** S. 65(3A) inserted (24.2.2003) by [Proceeds of Crime Act 2002 \(c. 29\)](#), ss. 456, 458, [Sch. 11 para. 40\(5\)\(b\)](#); 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](#)))
- F4** S. 65(5) 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\(5\)](#) (with [art. 10](#))
- F5** S. 65(6) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 63\(2\)](#); S.I. 2015/1630, [art. 3\(i\)](#) (with [art. 8](#))
- F6** Words in s. 65(7) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 72\(a\)](#) (with ss. 117, 209, 210); S.I. 2018/625, [reg. 2\(1\)\(g\)](#)
- F7** Words in s. 65(7) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), [Sch. 19 para. 72\(b\)](#) (with ss. 117, 209, 210); S.I. 2018/625, [reg. 2\(1\)\(g\)](#)
- F8** S. 65(8A) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 63\(2\)](#); S.I. 2015/1630, [art. 3\(i\)](#) (with [art. 8](#))
- F9** S. 65(8B) inserted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 63\(3\)](#); S.I. 2015/1630, [art. 3\(i\)](#)
- F10** S. 65(8C) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), [ss. 108\(3\)\(a\)](#), 240(1); S.I. 2023/1420, [reg. 2\(z10\)](#)
- F11** S. 65(9)(c) omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 63\(4\)\(a\)](#); S.I. 2015/1630, [art. 3\(i\)](#) (with [art. 8](#))
- F12** Word in s. 65(9)(d) repealed (8.1.2007) by [The Enterprise Act 2002 \(Amendment\) Regulations 2006 \(S.I. 2006/3363\)](#), [reg. 26\(2\)](#)
- F13** Word in s. 65(9)(d) omitted (10.1.2024) by virtue of [Online Safety Act 2023 \(c. 50\)](#), [ss. 108\(3\)\(b\)\(i\)](#), 240(1); S.I. 2023/1420, [reg. 2\(z10\)](#)
- F14** S. 65(9)(f) and word omitted (1.10.2015) by virtue of [Consumer Rights Act 2015 \(c. 15\)](#), s. 100(5), [Sch. 6 para. 63\(4\)\(c\)](#); S.I. 2015/1630, [art. 3\(i\)](#) (with [art. 8](#))
- F15** Word in s. 65(9)(e) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), [ss. 108\(3\)\(b\)\(ii\)](#), 240(1); S.I. 2023/1420, [reg. 2\(z10\)](#)
- F16** S. 65(9)(g) inserted (10.1.2024) by [Online Safety Act 2023 \(c. 50\)](#), [ss. 108\(3\)\(b\)\(iii\)](#), 240(1); S.I. 2023/1420, [reg. 2\(z10\)](#)

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 65(2)(a) word substituted by [2024 c. 13 s. 123\(6\)\(a\)](#)
- s. 65(2)(a) words inserted by [2024 c. 13 s. 123\(6\)\(b\)](#)

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\(8\)](#)