

SCHEDULES

SCHEDULE 5

POWERS OF ENTRY, SEARCH, SEIZURE AND RETENTION

Power to retain items

- 11 (1) Anything that is seized under a power conferred by virtue of this Schedule may be—
- (a) subjected to tests;
 - (b) retained for as long as is necessary in all the circumstances.
- (2) In particular (and regardless of the ground on which the thing was seized)—
- (a) if a constable has reasonable grounds for believing that the thing is or contains evidence in relation to an offence, it may be retained—
 - (i) for use as evidence at a trial for an offence, or
 - (ii) for forensic examination or for investigation in connection with an offence; and
 - (b) if a constable has reasonable grounds for believing that the thing has been obtained in consequence of the commission of an offence, it may be retained in order to establish its lawful owner.
- (3) Nothing may be retained for either of the purposes mentioned in sub-paragraph (2)
- (a) if a photograph or copy would be sufficient for that purpose.
- (4) Nothing in this paragraph or in paragraph 12 affects any power of a court to make an order under section 1 of the Police (Property) Act 1897.