



# Police (Property) Act 1897

1897 CHAPTER 30 60 and 61 Vict

An Act to make further provision with respect to the Disposal of Property in the Possession of the Police. [6th August 1897][6th August 1897]

## Textual Amendments

- F1** Act repealed (N.I.) (1.4.1999) by 1998 c. 32, s. 74(3), **Sch. 6** (with Sch. 5 para. 1); S.R. 1999/176, **art. 3** (with art. 4)

## Modifications etc. (not altering text)

- C1** Act modified by Incitement to Disaffection Act 1934 (c. 56), **s. 2(4)**; extended by Criminal Damage Act 1971 (c. 48), **s. 6(3)** and Powers of Criminal Courts Act 1973 (c. 62), **s. 43(4)**; excluded by Customs and Excise Management Act 1979 (c. 2), **s. 139(4)**
- C2** This Act is not necessarily in the form in which it has effect in Northern Ireland Act applied (with modifications) (25.8.2000) by 2000 c. 6, **ss. 144(1)**, 168(1)
- C3** Act excluded (13.4.2006) by Terrorism Act 2006 (c. 11), **ss. 28(7)(a)**, 39(2); S.I. 2006/1013, art. 2(2) (b)
- C4** Act applied by 1996 c. 56, s. 550AA(10) (as inserted (31.5.2007 for E., 31.10.2010 for W.) by Violent Crime Reduction Act 2006 (c. 38), **ss. 45**, 66(2); S.I. 2007/858, art. 3(a); S.I. 2010/2426, art. 2)
- C5** Act applied by 1992 c. 13, s. 85B (as inserted (31.5.2007 for E., 31.10.2010 for W.) by Violent Crime Reduction Act 2006 (c. 38), **ss. 46**, 66(2); S.I. 2007/858, art. 3(b); S.I. 2010/2426, art. 2)

## 1 Power to make orders with respect to property in possession of police.

- (1) Where any property has come into the possession of the police in connexion [<sup>F2</sup>with their investigation of a suspected offence] . . . <sup>F3</sup>, . . . <sup>F4</sup>[<sup>F5</sup>or section thirty-four of the <sup>M1</sup>Pawnbrokers Act 1872,] a court of summary jurisdiction may, on application, either by an officer of police or by a claimant of the property, make an order for the delivery of the property to the person appearing to the magistrate or court to be the owner thereof, or, if the owner cannot be ascertained, make such order with respect to the property as to the magistrate or court may seem meet.
- (2) An order under this section shall not affect the right of any person to take within six months from the date of the order legal proceedings against any person in possession

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of property delivered by virtue of the order for the recovery of the property, but on the expiration of those six months the right shall cease.

(3) ..... <sup>F6</sup>

#### Textual Amendments

- F2** Words substituted (E.W.) by [Criminal Justice Act 1972 \(c. 71\), s. 58](#) and substituted (N.I.) (19.5.1997) by [1997 c. 30, ss. 4\(1\), 7\(2\)](#)
- F3** Words repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. I](#)
- F4** Words repealed by [Theft Act 1968 \(c. 60\), Sch. 3 Pt. III](#)
- F5** Words repealed by [Consumer Credit Act 1974 \(c. 39\), s. 192\(3\), Sch. 5 Pt. I](#)
- F6** S. 1(3) repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\), s. 1\(1\), Sch. 1 Pt. I](#)

#### Modifications etc. (not altering text)

- C6** S. 1 extended by [Public Stores Act 1875 \(c. 25\), s. 12\(2\)](#)
- C7** Reference to police court and metropolitan police magistrate to be construed respectively as reference to a magistrates' court for the inner London area and a metropolitan stipendiary magistrate sitting in a magistrates' court in the same court-house as the chief metropolitan stipendiary magistrate: [Administration of Justice Act 1964 \(c. 42\), Sch. 3 Pt. I paras. 2, 3.](#)

#### Marginal Citations

- M1** [1872 c. 93.](#)

## 2 Regulations with respect to unclaimed property in possession of police.

- (1) A Secretary of State may make regulations for the disposal of property which has come into the possession of the police under the circumstances mentioned in this Act in cases where the owner of the property has not been ascertained and no order of a competent court has been made with respect thereto.
- (2) The regulations may authorise the sale of any such property, and the application of the proceeds of any such sale, and the application of any money of which the owner cannot be ascertained, to all or any of the following purposes:
- the expenses of executing the regulations;
  - the payment of reasonable compensation to any person by whom the property has been delivered into the possession of the police;
  - the making of payments for the benefit of discharged prisoners or of persons dependent on prisoners or discharged prisoners; or
  - such other purposes as the Secretary of State may consider expedient.

[<sup>F7</sup>(2A) The regulations may also provide that where, in the case of property other than money—

- the property has remained in the possession of the police for a year,
- the police would under the regulations have power to sell the property,
- in the opinion of the relevant authority, the property can be used for police purposes, and
- the relevant authority determine, in such manner as may be prescribed by the regulations, that the property is to be retained by the authority,

the relevant authority is to become the owner of the property on the making of the determination or at such later time as the regulations may specify.

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- [<sup>F8</sup>(2B) [ The relevant authority for the purposes of subsection (2A) is the police authority.]]
- (3) Where the property is a perishable article or its custody involves unreasonable expense or inconvenience it may be sold at any time, but the proceeds of sale shall not be disposed of until they have remained in the possession of the police for a year. In any other case the property shall not be sold until it has remained in the possession of the police for a year.
- (4) The regulations may also provide for the investment of money and for the audit of accounts.
- [<sup>F9</sup>(4A) The regulations may also provide for the publication of determinations falling within subsection (2A)(d) above.]
- (5) The regulations shall apply whether the property to which they relate has come into the possession of the police before or after . . . <sup>F10</sup> the making of the regulations.
- [<sup>F11</sup>(6) In relation to England and Wales, the power to make regulations under this section is exercisable by statutory instrument; and a statutory instrument made in the exercise of that power is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) In relation to Northern Ireland, the power to make regulations under this section is exercisable by statutory rule for the purposes of the <sup>M2</sup>Statutory Rules (Northern Ireland) Order 1979; and regulations made in the exercise of that power are subject to annulment in pursuance of a resolution of either House of Parliament in like manner as a statutory instrument and section 5 of the <sup>M3</sup>Statutory Instruments Act 1946 shall have effect accordingly.]

#### Textual Amendments

- F7** S. 2(2A)(2B) inserted (19.5.1997) by 1997 c. 30, ss. 1(2), 7(2)
- F8** S. 2(2B) substituted (1.10.2002) by 2002 c. 30, s. 77(2); S.I. 2002/2306, art. 2(d)(viii)
- F9** S. 2(4A) inserted (19.5.1997) by 1997 c. 30, ss. 1(3), 7(2)
- F10** Words repealed by Statute Law Revision Act 1908 (c. 49)
- F11** S. 2(6)(7) substituted for s. 2(6) (19.5.1997) by 1997 c. 30, ss. 1(4), 7(2)

#### Modifications etc. (not altering text)

- C8** S. 2 extended (25.8.2000) by 2000 c. 6, ss. 144(2)-(4), 168(1)
- C9** S. 2(1) amended by Powers of Criminal Courts Act 1973 (c. 62), s. 43(5)
- C10** S. 2(2A)(a) excluded (E.W.) (19.5.1997) by 1973 c. 62, s. 43(7) (as inserted (19.5.1997) by 1997 c. 30, ss. 2(3), 7(2))  
S. 2(2A)(a) excluded (N.I.) (19.5.1997) by S.I. 1994/2795, art. 11(8B) (as inserted (19.5.1997) by 1997 c. 30, ss. 3(3), 7(2))
- C11** S. 2(3) excluded (E.W.) (19.5.1997) by 1973 c. 62, s. 43(7) (as inserted (19.5.1997) by 1997 c. 30, ss. 2(3), 7(2))  
S. 2(3) excluded (N.I.) (19.5.1997) by S.I. 1994/2795, art. 11(8B) (as inserted (19.5.1997) by 1997 c. 30, ss. 3(3), 7(2))

#### Marginal Citations

- M2** S.I. 1979/1573 (N.I. 12).
- M3** 1946 c. 36.

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## **[<sup>F12</sup>2A Application to [<sup>F13</sup>SOCA]**

- (1) This Act applies to property which has come into the possession of the [<sup>F14</sup>Serious Organised Crime Agency] as it applies to property that has come into the possession of the police.
- (2) In relation to property that has come into the possession of the [<sup>F14</sup>Serious Organised Crime Agency]—
  - (a) the reference in section 1(1) to an officer of police is a reference to a [<sup>F15</sup>member of the staff of that Agency]; and
  - (b) references in section 2 to the property remaining in the possession of the police are references to its remaining in the possession of that [<sup>F16</sup>Agency].
- (3) The power to make regulations under section 2 has effect in relation to property that has come into the possession of the [<sup>F14</sup>Serious Organised Crime Agency] as if—
  - (a) the relevant authority for the purposes of subsection (2A) of that section were [<sup>F17</sup>that Agency]; and
  - (b) the reference in subsection (2A)(c) of that section to police purposes were a reference to the purposes of that [<sup>F18</sup>Agency].

### **Textual Amendments**

- F12** S. 2A inserted (1.10.2002) by 2002 c. 30, s. 77(1); S.I. 2002/2306, art. 2(d)(viii)
- F13** Word in s. 2A substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(5); S.I. 2006/378, art. 4(1), Sch. para. 10
- F14** Words in s. 2A substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(2); S.I. 2006/378, art. 4(1), Sch. para. 10
- F15** Words in s. 2A(2)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(3)(a); S.I. 2006/378, art. 4(1), Sch. para. 10
- F16** Word in s. 2A(2)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(3)(b); S.I. 2006/378, art. 4(1), Sch. para. 10
- F17** Words in s. 2A(3)(a) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(4)(a); S.I. 2006/378, art. 4(1), Sch. para. 10
- F18** Word in s. 2A(3)(b) substituted (1.4.2006) by Serious Organised Crime and Police Act 2005 (c. 15), s. 178(8), Sch. 4 para. 2(4)(b); S.I. 2006/378, art. 4(1), Sch. para. 10

## **3 Extent and short title.**

- (1) This Act shall not extent to Scotland.
- [<sup>F19</sup>(2) In the application of this Act to Ireland, the Chief Secretary shall be substituted for the Secretary of State.]
- (3) ..... <sup>F20</sup>
- (4) This Act may be cited as the Police (Property) Act 1897.

### **Textual Amendments**

- F19** S. 3(2) repealed (N.I.) (19.5.1997) by 1997 c. 30, ss. 4(2), 7(2)
- F20** S. 3(1) repealed by Statute Law Revision Act 1908 (c. 49)

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