
STATUTORY INSTRUMENTS

1995 No. 722

POLICE

The Police (Disposal of Sound Equipment) Regulations 1995

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| <i>Made</i> | - - - - | <i>10th March 1995</i> |
| <i>Laid before Parliament</i> | | <i>17th March 1995</i> |
| <i>Coming into force</i> | - - | <i>10th April 1995</i> |

In exercise of the powers conferred on me by section 66(10) and (11) of the Criminal Justice and Public Order Act 1994⁽¹⁾, I hereby make the following Regulations:

Extent, citation and commencement

1. These Regulations, which extend to England and Wales and Scotland, may be cited as the Police (Disposal of Sound Equipment) Regulations 1995 and shall come into force on 10th April 1995.

Property to which Regulations apply

2.—(1) Subject to paragraph (2) below, these Regulations apply to property in the possession of the police which has been forfeited by order under section 66(1) of the Criminal Justice and Public Order Act 1994 (“the 1994 Act”) provided that —

- (a) not less than six months have expired from the date on which the order was made, and
- (b) either —
 - (i) no application by a claimant of the property has been made under section 66(5) of the 1994 Act, or by virtue of section 66(6); or
 - (ii) no such application has succeeded.

(2) Where, within the period specified in paragraph (1)(a) above—

- (a) an application by a claimant of the property has been made under section 66(5) of the 1994 Act or by virtue of section 66(6), or
- (b) the person upon whose conviction the court ordered the forfeiture of the property under section 66(1) of that Act has appealed against his conviction or sentence,

these Regulations shall not apply to the property until the application or appeal has been determined.

Disposal of property

3. Property to which these Regulations apply shall be disposed of by sale or, if a police officer not below the rank of superintendent is satisfied that the nature of the property is such that it is not in the public interest that it should be sold, by other means in accordance with his directions.

Application of proceeds of sale

4.—(1) The proceeds of any sale under regulation 3 above shall be paid to the police authority and shall be kept in a separate account (referred to in this regulation as “the Fund”).

(2) The Fund, or any part thereof, may be invested as the police authority think fit and the income derived from the investments shall be added to and become part of the Fund.

(3) The money, including income from investments, standing to the credit of the Fund shall be applicable —

- (a) to defray expenses incurred in the conveyance, storage and safe custody of the property to which these Regulations apply and in connection with its sale and otherwise in executing these Regulations;
- (b) to make such payments of such amounts as the police authority may determine for such charitable purposes as they may select.

(4) The Fund shall be audited by an auditor nominated for that purpose by the police authority.

(5) In this Regulation, references to the police authority shall, in respect of the metropolitan police district, be taken instead to be references to the Receiver for that district.

Home Office

10th March 1995

Michael Howard
One of Her Majesty’s Principal Secretaries of
State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Under section 66(1) of the Criminal Justice and Public Order Act 1994 a court may, on the summary conviction of a person for an offence under section 63 (which relates to raves), order the forfeiture of sound equipment which was used at the rave and which either was seized from him by the police or was in his possession or under his control at the time.

Subsections (5) and (6) of section 66 allow the owner of the equipment, unless he is the person from whom the equipment was seized, to claim it by applying to the court within six months for an order for delivery of the equipment (in England and Wales) or for the return of the equipment (in Scotland).

These Regulations provide for the disposal of this equipment by the police where the court has made no order by virtue of section 66(5) or (6). By regulation 3, the police must sell the equipment unless a police officer not below the rank of superintendent is satisfied that because of the nature of the equipment it is not in the public interest to do so, in which case it may be disposed of according to his directions.

Under regulation 4, any proceeds of sale must be paid to the police authority and must be kept in a separate fund. The regulation provides for expenditure from, and auditing of, the fund.