
STATUTORY INSTRUMENTS

2002 No. 1372

CRIMINAL LAW, ENGLAND AND WALES

**The Police (Retention and Disposal
of Items Seized) Regulations 2002**

<i>Made</i>	- - - -	<i>15th May 2002</i>
<i>Laid before Parliament</i>		<i>17th May 2002</i>
<i>Coming into force</i>	- -	<i>10th June 2002</i>

The Secretary of State, in exercise of the powers conferred on him by section 60A of the Criminal Justice and Public Order Act 1994(1), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Police (Retention and Disposal of Items Seized) Regulations 2002 and shall come into force on 10th June 2002.

Extent

2. These Regulations extend to England and Wales only.

Revocation

3. The Police (Retention and Disposal of Items seized under section 60 of the Criminal Justice and Public Order Act 1994) Regulations 1999(2) are hereby revoked in relation to England and Wales.

Interpretation

4. In these Regulations—

“owner” in relation to an item to which regulation 5 below applies means the person from whom it was seized, and “ownership” shall be construed accordingly;

“relevant officer” means the chief officer of the police force of which the constable by whom an item was seized is a member or, where the constable concerned is not a member of a police force, the person who has the direction and control of the body of constables in question;

(1) 1994 c. 33; section 60A was inserted by section 26 of the Crime and Disorder Act 1998 (c. 37) and amended by section 94(2) of the Anti-terrorism, Crime and Security Act 2001 (c. 24) (the 2001 Act).
(2) S.I.1999/269.

“the 1994 Act” means the Criminal Justice and Public Order Act 1994.

Retention and safe-keeping

5.—(1) This regulation applies to any item which has been seized by a constable under section 60 or 60AA of the 1994 Act⁽³⁾, unless it is an item of property to which the Police (Property) Regulations 1997⁽⁴⁾ apply.

(2) An item to which this regulation applies shall be retained by, or in accordance with arrangements made by the relevant officer for the period set out in paragraph (3) below from the date on which it was seized unless, before the end of that period, the owner of the item has been ascertained and has made an application under regulation 6 below which has been successful.

(3) The period referred to in paragraph (2) above shall be 2 months in the case of an item seized under section 60AA(2)(b) of the 1994 Act (items worn to conceal identity) and 6 months in the case of an item seized under section 60(6) of that Act (dangerous instruments and offensive weapons).

(4) Any item to which this regulation applies and which is for the time being retained under paragraph (2) shall be kept safely and, so far as possible, in the same condition as when it was seized.

Disposal to the owner

6.—(1) The owner of an item to which regulation 5 above applies may, at any time within the period set out in paragraph (3) of that regulation, apply to the relevant officer for the item to be released to him.

(2) An application under this regulation shall be made orally or in writing and shall be accompanied by evidence of ownership by the applicant.

(3) Where the relevant officer is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings he shall arrange for the item concerned to be returned to the applicant.

Disposal otherwise than to the owner and destruction

7.—(1) After the expiration of the period set out in regulation 5(3) above or the determination of an unsuccessful application under regulation 6 above, whichever is the later, an item to which regulation 5 above applies shall, subject to paragraph (2) below, be destroyed or otherwise disposed of in accordance with the directions of the relevant officer.

(2) Where further retention of such an item is, in the opinion of the relevant officer, necessary for the purposes of criminal proceedings, the item shall be retained until he is satisfied that retention is no longer necessary and then destroyed or otherwise disposed of in accordance with his directions.

Home Office
15th May 2002

Bob Ainsworth
Parliamentary Under-Secretary of State

(3) Section 60 was amended by section 25 of the Crime and Disorder Act 1998; by section 8 of the Knives Act 1997 (c. 21); and repealed in part by Schedule 8, Part 6 of the 2001 Act. Section 60AA was inserted by section 94(1) of the 2001 Act.

(4) S.I. 1997/1908.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke in relation to England and Wales the Police (Retention and Disposal of Items seized under section 60 of the Criminal Justice and Public Order Act 1994) Regulations 1999 in consequence of the amendment of that section and the addition of section 60AA to the 1994 Act (powers to require removal of disguises) by the Anti-terrorism, Crime and Security Act 2001. The amendments to the 1994 Act made by the 2001 Act do not extend to Scotland. These regulations make provision for the retention, safe-keeping, disposal and destruction of items seized under section 60 and 60AA in England and Wales. They have the same effect as the 1999 Regulations which will continue to apply in Scotland.