
STATUTORY INSTRUMENTS

2020 No. 759

The Criminal Procedure Rules 2020

PART 47

INVESTIGATION ORDERS AND WARRANTS

SECTION 4: ORDERS FOR THE RETENTION OR RETURN OF PROPERTY

When this Section applies

47.35.—(1) This Section applies where—

- (a) under section 1 of the Police (Property) Act 1897(1), a magistrates' court can—
 - (i) order the return to the owner of property which has come into the possession of the police or the National Crime Agency in connection with an investigation of a suspected offence, or
 - (ii) make such order with respect to such property as the court thinks just, where the owner cannot be ascertained; and
- (b) a Crown Court judge can—
 - (i) order the return of seized property under section 59(4) of the Criminal Justice and Police Act 2001(2), or
 - (ii) order the examination, retention, separation or return of seized property under section 59(5) of the Act.

(2) In this Section, a reference to a person with 'a relevant interest' in seized property means someone from whom the property was seized, or someone with a proprietary interest in the property, or someone who had custody or control of it immediately before it was seized.

(1) 1897 c. 30; section 1 was amended by sections 33 and 36 of, and Part III of Schedule 3 to, the Theft Act 1968 (c. 60), section 58 of the Criminal Justice Act 1972 (c. 71), section 192 of, and Part I of Schedule 5 to, the Consumer Credit Act 1974 (c. 39), the Statute Law (Repeals) Act 1989 (c. 43) and section 4 of the Police (Property) Act 1997 (c. 30).

(2) 2001 c. 16.