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Chief Officer Approval:	DCC
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Statement

The Police (Property) Act 1897, as amended by the Police (Property) Act 1997, allows regulations to be made in relation to the disposal, retention or destruction of property that has come into police possession in connection with the investigation of a suspected offence. The Police (Property) Regulations 1997 apply where the owner has not been ascertained and no order of a competent court has been made, subject to the separate provision allowing earlier disposal where property is perishable or where its custody would involve unreasonable expense or inconvenience.

The regulations apply to:-

- a) Property which has come into the possession of the Police in connection with their investigation of a suspected offence where the owner of the property has not been ascertained and no order of a competent court has been made in respect of it.
- b) Property which is in police possession by virtue of an order made under section 43 of the Powers of Criminal Courts Act 1973, where no claimant application has been made within six months of the order or where no such application has succeeded.

The regulations direct that property that they apply to may either be:

- Sold
- Retained or
- Destroyed.

The caveat to this is where the property is perishable or its retention involves unreasonable expense or inconvenience.

In relation to a) above; the action decided upon cannot be taken in respect of property until it has remained in the possession of the Police for one year.

In relation to b) above, the action decided upon cannot be taken until six months have expired from the date of the section 43 court order. Where an application by a claimant has been made within that period, or where the offender has appealed against conviction or sentence, the property must not be disposed of until the application or appeal has been determined.

The regulations allow property, as described above, to be retained and used for police purposes where appropriate. A determination to retain property for police purposes must be recorded in writing, include the date on which the determination is made, and be published in such manner as the relevant authority thinks fit. For example, retention may be appropriate where it would be economically and practically unsound to sell an article and then subsequently purchase a similar article at full market price. Where property subject to the Police (Property) Act 1897 is sold, monies raised from the sale must be deposited into the Police Property Act Fund as soon as possible. Net funds raised by disposal of property will be paid into the Police Property Act Fund. Items destined for disposal via auction will be managed by Evidential Property Officers and the funds generated will be entered into the centralised fund. The Fund may be used to meet expenses incurred in conveyance, storage, safe custody, sale and administration of the Regulations, to pay reasonable compensation where applicable, and to make

payments for charitable purposes selected by the relevant authority, in accordance with the Police (Property) Regulations 1997.

Aims

The aim of this policy and supporting procedure is to simplify the process and maintain the transparency of the Force's application and management of any property retained, sold or destroyed under the Police (Property) Act and Police (Property) Regulations 1997, on behalf of the relevant authority.

Scope

This policy and supporting procedure applies to the method and manner in which the Force carries out its duties in respect of the Police (Property) Act and should be read in conjunction with the Forces Property Management Policy and the Ceasing Retention (Disposal) of Property Procedure.

Legal Basis

This policy and supporting procedure take account of the requirements under the Police (Property) Act 1897, the Police (Property) Regulations 1997, the Powers of Criminal Courts Act 1973 and the Police (Property) Act 1997, together with the advice contained in Home Office Circular 42/1997.

It also follows the Police Authority decision of 7th April 1998, which formally delegated authority to the Chief Constable and Deputy Chief Constable allowing them to administer the accumulated funds in such a way as to reflect the priorities outlined in the Local Policing Plan.

Monitoring

The Deputy Chief Constable is responsible for the implementation of this policy, whilst the allocation of the Police (Property) Act Fund will be the responsibility of the Chief Finance Officer within the Office of the Police and Crime Commissioner.