



This document has been produced in conjunction with the Leicestershire Constabulary Legislative Compliance Pack

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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 of property that has come into Police possession. This is where it is in connection with their investigations, where the property is unclaimed, perishable, or where it is too expensive or inconvenient to keep.

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 has been forfeited by convicted persons by order of a court under the Powers of Criminal Courts Act 1973 being property used or intended for use for the purposes of crime.

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 in respect of property until 6 months from the date of the court order. Alternatively where an application by a claimant of the property has been made within 6 months of the order or where the offender has appealed against conviction or sentence (up until the point that the application or appeal has been determined) whichever is the longer.

The regulations allow property, as described above, to be to be utilised for Police purposes. For example, where it would be economically and practically unsound to sell an article on the one hand and then subsequently purchase a similar article at full market price or to be sold at public auction. Where property subject to the Police (Property) Act 1987 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 Fund. Items destined for disposal via auction will be managed by Evidential Property Officers and the funds generated there from will be entered into the centralised fund, used for charitable purposes and distributed in accordance with the Police (Property) Act regulations.

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 on behalf of the Police 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 takes account of the requirements under the Police (Property) Act 1897 as amended by 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.