STATUTORY RULES OF NORTHERN IRELAND

1997 No. 448

POLICE

Police (Property) Regulations (Northern Ireland) 1997

Made - - - -	*6th October 1997*
To be laid before Parliament	
Coming into operation	*10th November 1997*

The Secretary of State, in pursuance of section 2 of the Police (Property) Act 1897(**1**) and Article 11(8) of the Criminal Justice (Northern Ireland) Order 1994(**2**), hereby makes the following regulations:—

Citation and commencement

1. These Regulations may be cited as the Police (Property) Regulations (Northern Ireland) 1997 and shall come into operation on 10th November 1997.

Revocation

2. The Police (Disposal of Property) Regulations (Northern Ireland) 1974(**3**) are hereby revoked.

Interpretation

3. The following expressions have the meanings hereby assigned to them—

"the Act" means the Police (Property) Act 1897;

"the Authority" means the Police Authority for Northern Ireland;

"the chief constable" means the chief constable of the Royal Ulster Constabulary;

"the Order" means the Criminal Justice (Northern Ireland) Order 1994.

Disposal of certain property in hands of police where no order made by court

4.—(1) Subject to regulation 5, this regulation applies to property in the possession of the police to which the Act applies in respect of which the owner has not been ascertained and no order of a competent court has been made.

(**1**) 1897 c. 30; section 2 was amended by section 1 of the Police (Property) Act 1997 (c. 30)
(**2**) S.I.1994/2795 (N.I. 15); Article 11(8) was amended by section 3 of the Police (Property) Act 1997
(**3**) S.R. 1974 No. 335

(2) Subject to section 2(3) of the Act (which provides for the sale of property which is perishable or the custody of which involves unreasonable expense or inconvenience) property to which this regulation applies shall not be disposed of until it has remained in the possession of the police for a year.

Disposal of property lawfully seized from convicted offender

5.—(1) This regulation applies to property which is in the possession of the police by virtue of Article 11 of the Order and in respect of which no application by a claimant has been made within six months of the making of the order under that Article or no such application has succeeded.

(2) Subject to section 2(3) of the Act, property to which this regulation applies shall not be disposed of until the expiration of six months from the date on which the order in respect of the property was made under Article 11 of the Order on the conviction of an offender or, if an application by a claimant of the property has been made within that period or the offender has appealed against the conviction or sentence, until that application or appeal has been determined.

Police Property Fund and the sale of property

6.—(1) After the expiration of the period referred to in regulation 4(2) or 5(2), as applicable, property to which these regulations apply (other than money) may be sold.

(2) The proceeds of all sales under these regulations and any money to which these regulations apply shall be lodged to the credit of the Authority and, subject to any direction under section 29(1) of the Police Act (Northern Ireland) 1970(**4**) (the 1970 Act), shall be kept in a separate account to be called the Police Property Fund.

(3) Subject to any direction under section 31(2) of the 1970 Act, such proceeds and money may be applied by the Authority—

(a) to defray expenses incurred in the conveyance, storage and safe custody of the property and in connection with its sale and otherwise in executing these regulations;

(b) to pay reasonable compensation, the amount of which shall be fixed by the Authority, to persons by whom property has been delivered to the police;

(c) to make payments of such amounts as the Authority may determine for such charitable purposes as it may select.

Retention of property by the Authority

7.—(1) After the expiration of the period referred to in regulation 4(2) or 5(2), as applicable, if, in the opinion of the Authority, property to which these regulations apply (other than money) can be used for police purposes, the Authority may determine that the property is to be retained by the Authority and the property shall vest in it on the making of the determination.

(2) A determination under paragraph (1) shall be recorded in writing and published in such manner as the Authority thinks fit and that record shall include the date on which the determination is made.

(3) No determinations under paragraph (1) may be made in relation to any property in relation to which an order has been made under Article 12 of the Order.

Destruction or disposal of property

8. If the chief constable is satisfied that the nature of any property to which these regulations apply is such that it is not in the public interest that it should be sold or retained, it shall, subject

(**4**) 1970 c. 9 (N.I.) as amended by 1994 c. 29 and modified by S.I. 1973/2163