

**2003 No. 934**

**CRIMINAL LAW**

**POLICE**

**The Criminal Justice and Police Act 2001 (Powers of Seizure) Order 2003**

*Made* - - - - - *28th March 2003*

*Coming into force* - - - *1st April 2003*

Whereas a draft of this Order has been laid and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State, in exercise of the powers conferred upon him by section 69(1) of the Criminal Justice and Police Act 2001(a), and after consultation with the Scottish Ministers pursuant to section 69(2) of that Act, hereby makes the following Order:

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Criminal Justice and Police Act 2001 (Powers of Seizure) Order 2003 and shall come into force on 1st April 2003.

(2) In this Order the “2001 Act” means the Criminal Justice and Police Act 2001.

**Designation of powers of seizure**

2.—(1) Part 1 of Schedule 1 to the 2001 Act shall be amended as follows.

(2) For paragraph 48 there shall be substituted—

“*Copyright, Designs and Patents Act 1988 (c. 48)*

**48.** The powers of seizure conferred by sections 109(4), 200(3A) and 297B(4) of the Copyright, Designs and Patents Act 1988(b) (seizure of evidence relating to offences concerning infringing copies, illicit recordings and unauthorised decoders).”

(3) After paragraph 58 there shall be inserted—

“*Trade Marks Act 1994 (c. 26)*

**58A.** The power of seizure conferred by section 92A(4) of the Trade Marks Act 1994(c) (seizure of evidence relating to offences concerning unauthorised use of a trade mark, etc. in relation to goods).”

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(a) 2001 c. 16.

(b) 1988 c. 48. Section 109(4) was amended by section 2(2)(b) of the Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002 (c. 25); section 200(3A) and 297B were inserted by section 2(3)(b) and (4) respectively of that Act.

(c) 1994 c. 26. Section 92A was inserted by section 6 of the Copyright, etc and Trade Marks (Offences and Enforcement) Act 2002.

(4) After paragraph 73 there shall be inserted—

“*International Criminal Court Act 2001 (c. 17)*

**73A.** The power of seizure conferred by paragraph 9 of Schedule 5 to the International Criminal Court Act 2001 (seizure of evidence in connection with offences under that Act).”

3.—(1) Part 3 of Schedule 1 to the 2001 Act shall be amended as follows.

(2) For paragraph 106 there shall be substituted—

“*Copyright, Designs and Patents Act 1988 (c. 48)*

**106.** The powers of seizure conferred by sections 109(4), 200(3A) and 297B(4) of the Copyright, Designs and Patents Act 1988 (seizure of evidence relating to offences concerning infringing copies, illicit recordings and unauthorised decoders).”

(3) After paragraph 107 there shall be inserted—

“*Trade Marks Act 1994 (c. 26)*

**107A.** The power of seizure conferred by section 92A(4) of the Trade Marks Act 1994 (seizure of evidence relating to offences concerning unauthorised use of a trade mark, etc. in relation to goods).”

Home Office  
28th March 2003

*Bob Ainsworth*  
Parliamentary Under-Secretary of State

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#### EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order adds, from 1st April 2003, the powers specified in articles 2 and 3 to those specified in Schedule 1 to the Criminal Justice and Police Act 2001 (“the Act”). The powers specified in Schedule 1 to the Act are those for which additional powers of seizure are available under sections 50 (premises) or 51 (persons) of the Act, or those to which section 55 (obligation to return excluded and special procedure material) applies.

Part 2 of the Act is brought into force on 1st April 2003 by the Criminal Justice and Police Act 2001 (Commencement No. 9) Order 2003 (S.I. 2003/708 (C. 34)).

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