



Further and Higher Education Act 1992

1992 CHAPTER 13

PART III

MISCELLANEOUS AND GENERAL

[^{F1}85AD Section 85AC: supplementary

(1) The Police (Property) Act 1897 (disposal of property in the possession of the police) applies to property which has come into the possession of a police constable under section 85AC(4)(a), (5)(a) [^{F2}, (6A)(a)] or (8) as it applies to property which has come into the possession of the police in the circumstances mentioned in that Act.

(2) Subsection (3) applies where a person—

- (a) seizes, retains or disposes of [^{F3}an item within subsection (2A)] under section 85AC; and
- (b) proves that the seizure, retention or disposal was lawful.

[The items referred to in subsection (2)(a) are—

- ^{F4}(2A)
- (a) alcohol or its container;
 - (b) a controlled drug;
 - (c) a stolen article;
 - (d) an article that is a prohibited item by virtue of section 85AA(3)(ea).

(2B) Subsection (3) also applies where a person—

- (a) erases data or a file from an electronic device under section 85AC(6D); and
- (b) proves that the erasure was lawful.]

(3) That person is not liable in any proceedings in respect of—

- (a) the seizure, retention [^{F5}, disposal or erasure] ; or
- (b) any damage or loss which arises in consequence of it.

(4) Subsections (2) [^{F6}, (2B)] and (3) do not prevent any person from relying on any defence on which the person is entitled to rely apart from those subsections.

Changes to legislation: Further and Higher Education Act 1992, Section 85AD is up to date with all changes known to be in force on or before 14 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) Regulations under section 85AC(7) may make provision corresponding to any provision of this section.]

Textual Amendments

- F1** Ss. 85AA-85AD inserted (1.9.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 244\(1\)](#), 269(4); [S.I. 2010/303](#), [art. 6](#), [Sch. 5](#) (as amended (26.7.2010) by [S.I. 2010/1891](#), [art. 2\(2\)](#) (with [art. 3](#)))
- F2** Words in s. 85AD(1) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 3\(5\)\(a\)](#), 82(3); [S.I. 2012/924](#), [art. 2](#)
- F3** Words in s. 85AD(2)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 3\(5\)\(b\)](#), 82(3); [S.I. 2012/924](#), [art. 2](#)
- F4** S. 85AD(2A)(2B) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 3\(5\)\(c\)](#), 82(3); [S.I. 2012/924](#), [art. 2](#)
- F5** Words in s. 85AD(3)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 3\(5\)\(d\)](#), 82(3); [S.I. 2012/924](#), [art. 2](#)
- F6** Words in s. 85AD(4) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), [ss. 3\(5\)\(e\)](#), 82(3); [S.I. 2012/924](#), [art. 2](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 16(6) inserted by [2007 c. 25 s. 14\(4\)](#)
- s. 17(2)(aa) inserted by [2007 c. 25 s. 14\(5\)\(b\)](#)
- s. 27(3A)(3B) inserted by [2007 c. 25 s. 15\(4\)](#)
- s. 27(9) inserted by [2007 c. 25 s. 15\(7\)](#)
- s. 51(1)-(2A) substituted for s. 51(1)(2) by [2007 c. 25 s. 16\(2\)](#)
- s. 76(8)(9) inserted by [2017 c. 29 s. 52\(4\)](#)
- s. 85D inserted by [2009 c. 22 s. 247](#)
- s. 85D(7) words inserted by [S.I. 2016/413 reg. 140](#) (This amendment comes into force on the day that section 85D of the Further and Higher Education Act 1992 (c. 13) comes into force. That provision is still prospective.)