

26. Powers of police officers and others when things suspected of being used in commission of offences found, received or acquired

- (1) If there are reasonable grounds to suspect that any thing found or received during the exercise of the powers conferred by section 22 or 23 or by a search warrant or under any other circumstances is a thing referred to in section 23 (1) (a), (b) or (c) a police officer or approved person, as the case requires, may seize that thing and —
- (a) in the case of a thing which is a prohibited drug, prohibited plant or dangerous substance, may detain it until it is dealt with under section 27; or
 - (b) in the case of a thing which is not a prohibited drug, prohibited plant or dangerous substance, may detain it for a period not exceeding 72 hours from that seizure and shall, if he wishes to detain it for a longer period, apply within 72 hours from that seizure to a justice of the peace for a holding order in respect of that thing.
- (2) A police officer who —
- (a) whilst he is an authorized person and is acting as an undercover officer, acquires a prohibited drug or prohibited plant for the purpose of detecting the commission of an offence; or
 - (b) acquires a prohibited drug or prohibited plant as a result of its delivery to him by an authorized person who is not a police officer,
- shall detain the prohibited drug or prohibited plant until it is dealt with under section 27.
- (3) In subsection (2) —
- “authorized person”** and **“undercover officer”** have the respective meanings given by section 31.

[Section 26 amended by No. 50 of 1990 s.7; No. 44 of 1995 s.6.]