

SCHEDULE 1
POWERS IN RELATION TO EQUIPMENT SEIZED UNDER SECTION 47

Retention

- 2 (1) Any seized equipment may be retained—
- (a) during the period of 28 days beginning with the seizure; or
 - (b) if it is related equipment in proceedings for a noise offence instituted within that period against any person, until—
 - (i) that person is sentenced or otherwise dealt with for, or acquitted of, the offence; or
 - (ii) the proceedings are discontinued.
- (2) Sub-paragraph (1) does not authorise the retention of seized equipment if—
- (a) a person has been given a fixed penalty notice under section 46 in respect of any noise;
 - (b) the equipment was seized because of its use in the emission of the noise in respect of which the fixed penalty notice was given; and
 - (c) that person has paid the fixed penalty before the end of the period allowed for its payment.