



2008 CHAPTER 4

PART 5

ENFORCEMENT

Power of seizure

- 41.—**(1) Subsection (2) applies if—
- (a) an authorised officer or constable in uniform—
 - (i) exercises a power under section 40(1); or
 - (ii) attempts to exercise a power under section 40(1) and the vehicle does not stop or does not stop long enough for the officer or constable to make such lawful enquiries as the officer or constable considers appropriate; and
 - (b) the authorised officer or constable has reasonable grounds for believing that the vehicle is or was being used in contravention of section 12.
- (2) Where this subsection applies, the authorised officer or constable may—
- (a) subject to subsection (3), seize and remove the vehicle (together with any equipment or other items found in it);
 - (b) enter, for the purpose of exercising a power falling within paragraph (a), any premises (other than premises occupied as a private dwelling) on which the officer or constable has reasonable grounds for believing the vehicle to be
 - (c) use reasonable force, if necessary, in the exercise of any power conferred by paragraph (a) or (b).
- (3) If the authorised officer or constable is unable to seize the vehicle immediately because it has not stopped or has been driven off, the officer or

constable may seize it at any time within the period of 24 hours beginning with the time at which subsection (1) is first satisfied.

(4) The powers conferred on an authorised officer or a constable by this section are exercisable only at a time when regulations under section 42 are in operation.

(5) In this section—

- (a) a reference to a vehicle does not include an invalid carriage;
- (b) “equipment or other items found in a vehicle” means equipment or other items which the authorised officer or constable has reasonable grounds to believe may be required as evidence for the purpose of proceedings in respect of an offence under section 12;
- (c) “private dwelling” does not include any garage or other structure occupied with the dwelling, or any land appurtenant to the dwelling house.