



## 2010 CHAPTER 2

### *Enforcement*

#### **Power to seize documents etc**

**39.—**(1) If an authorised person has reason to believe that—

- (a) a document or article carried on, or by the driver of, a goods vehicle, or
- (b) a document produced in pursuance of this Act,

is a document or article in relation to which an offence has been committed under section 36 or 37, the authorised person may seize that document or article.

(2) Where—

- (a) a document or article is seized under subsection (1),
- (b) no person has, within 6 months of the date on which the document or article was seized, been charged with an offence in relation to it under section 36 or 37, and
- (c) the document or article is still detained,

then any of the persons mentioned in subsection (3) may make an application to a court of summary jurisdiction.

(3) The persons who may make an application under subsection (2) are—

- (a) an authorised person;
- (b) the driver or owner of the vehicle;
- (c) the person from whom the document or article was seized.

(4) On an application under subsection (2), the court of summary jurisdiction shall make such order respecting the disposal of the document or article, and award such costs, as the justice of the case may require.

(5) For the purposes of subsection (1), the power to seize includes a power to detach from a vehicle.