

*These notes refer to the Waste and Contaminated Land (Amendment) Act  
(Northern Ireland) 2011 (c.5) which received Royal Assent on 10 February 2011*

# Waste and Contaminated Land (Amendment) Act (Northern Ireland) 2011

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Waste***

#### ***Section 2 – Detention of seized property***

Articles 5E and 42 of the 1997 Order give Departmental enforcement officers the powers in certain circumstances to seize vehicles and other property suspected of being used in illegal waste activity. Articles 5F and 42A specify that subordinate legislation is necessary to give effect to these powers and that the required regulations must set out how the Department will deal with seized property.

This section allows the Department to include in the regulations powers to retain property for a certain period after seizure. The Department must apply to a magistrates' court if it wishes to keep the property for longer than this prescribed period. However any person claiming entitlement to the seized property must be given an opportunity to be heard by the court, before it makes a decision on the Department's application.