
STATUTORY INSTRUMENTS

2007 No. 611

The Waste (Amendment) (Northern Ireland) Order 2007

Offences relating to deposit, disposal, etc. of waste

Power to search and seize vehicles

9. After Article 5D of the 1997 Order (inserted by Article 8), insert—

“Power to search and seize vehicles etc

5E.—(1) This Article applies where an authorised officer or a constable reasonably believes that the grounds in paragraph (2) or (3) exist.

(2) The grounds in this paragraph are that—

- (a) an offence under Article 4 or 5 has been committed,
- (b) a vehicle was used in the commission of the offence, and
- (c) proceedings for the offence have not yet been brought against any person.

(3) The grounds in this paragraph are that—

- (a) an offence under Article 4 or 5 is being or is about to be committed, and
- (b) a vehicle is being or is about to be used in the commission of the offence.

(4) The authorised officer or constable may—

- (a) search the vehicle;
- (b) seize the vehicle and any of its contents.

(5) In acting under paragraph (4) the authorised officer or constable may—

- (a) stop the vehicle;
- (b) enter any premises for the purpose of searching or seizing the vehicle.

(6) A vehicle or its contents seized under paragraph (4) are seized on behalf of the Department.

(7) A person commits an offence if—

- (a) he fails without reasonable excuse to give any assistance that an authorised officer or constable may reasonably request in the exercise of a power under paragraph (4) or (5);
- (b) he otherwise intentionally obstructs an authorised officer or constable in exercising that power.

(8) Where an authorised officer or constable has stopped a vehicle under paragraph (5) (a), he may require any occupant of the vehicle to give him—

- (a) the occupant’s name and address;
- (b) the name and address of the registered owner of the vehicle;
- (c) any other information he may reasonably request.

- (9) A person commits an offence if—
- (a) he fails without reasonable excuse to comply with a requirement under paragraph (8);
 - (b) he gives information required under that paragraph that is—
 - (i) to his knowledge false or misleading in a material way, or
 - (ii) given recklessly and is false or misleading in a material way.
- (10) A person guilty of an offence under this Article is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) In this Article and Article 5F—
- “authorised officer” means an officer of the Department who is authorised in writing by the Department for the purposes of this Article;
 - “vehicle” includes any mobile plant.

Seizure of vehicles etc: supplementary

5F.—(1) Where under Article 5E an authorised officer or constable seizes a vehicle or its contents (“seized property”) on behalf of the Department, the Department may remove the seized property to such a place as it considers appropriate.

(2) The Department must deal with any seized property in accordance with regulations made by the Department.

- (3) Regulations under paragraph (2) may in particular include provision as to—
- (a) the duties of the Department in relation to the safe custody of seized property;
 - (b) the circumstances in which the Department must return any such property to a person claiming entitlement to it;
 - (c) the manner in which such persons, and the seized property to which they are entitled, may be determined;
 - (d) the circumstances in which the Department may sell, destroy or otherwise dispose of seized property;
 - (e) the uses to which the proceeds of any such sale may be put.
- (4) Regulations making provision under paragraph (3)(d)—
- (a) must (subject to sub-paragraph (c)) require the Department to publish a notice in such form, and to take any other steps, as may be specified in the regulations for informing persons who may be entitled to the seized property that it has been seized and is available to be claimed;
 - (b) must (subject to sub-paragraph (c)) prohibit the Department from selling, destroying or otherwise disposing of any seized property unless a period specified in the regulations has expired without any obligation arising under the regulations for the Department to return the property to any person;
 - (c) may allow for the requirements in sub-paragraphs (a) and (b) to be dispensed with if the condition of the seized property requires its disposal without delay.”.