

STATUTORY INSTRUMENTS

2015 No. 426

The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

PROSPECTIVE

PART 1 **E+W**

General

Citation, commencement and extent **E+W**

1.—(1) These Regulations may be cited as the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 and come into force on 6th April 2015.

(2) These Regulations extend to England and Wales.

Commencement Information

11 Reg. 1 in force at 6.4.2015, see [reg. 1\(1\)](#)

Interpretation **E+W**

2. In these Regulations—

“the 1989 Act” means the Control of Pollution (Amendment) Act 1989;

“the 1990 Act” means the Environmental Protection Act 1990;

“claim period” means the period determined in accordance with regulation 10;

“date of seizure” means the date on which the property was seized under section 5 of the 1989 Act⁽¹⁾ (power to require production of authority, stop and search etc.) or section 34B of the 1990 Act⁽²⁾ (power to search and seize vehicles etc.);

“date of the determination notice” means the date on which the determination notice is given in accordance with regulation 12(2)(b);

“date of the seizure notice” means the first working day on which the period for display of the seizure notice begins in accordance with regulation 7(1)(a)(i);

“determination notice” means the notice given in accordance with regulation 12(1)(c);

“entitled person” means a person determined under regulation 12(1)(a) as entitled to all or part of the seized property;

(1) Section 5 was substituted (together with section 5A), in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 37. It was amended by the 1990 Act, Schedule 15, paragraph 31.
(2) Section 34B was inserted, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 46(1). It was amended by [S.I. 2005/2900](#), [2007/3538](#), [2010/675](#) and [2013/755](#).

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the *The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015, PART 1.* (See end of Document for details)

“forfeiture offence” means an offence specified in section 33C(1) of the 1990 Act (section 33 offences: forfeiture of vehicles), in respect of which an order for forfeiture can be made under subsection (2) of that section(3);

“relevant collection period” means the period determined in accordance with regulation 12(1)(b)(ii);

“seizure authority” means—

- (a) a regulation authority(4) on whose behalf property is seized under section 5 of the 1989 Act; or
- (b) an enforcement authority(5) on whose behalf property is seized under section 34B of the 1990 Act;

“seizure notice” means a notice given in accordance with regulation 7(1);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(6).

Commencement Information

I2 Reg. 2 in force at 6.4.2015, see [reg. 1\(1\)](#)

Notices **E+W**

3.—(1) Any notice required by these Regulations to be served on or given to a person may be served or given by—

- (a) personal delivery;
- (b) leaving it at the person’s proper address; or
- (c) sending it by post or by electronic means to the person’s proper address.

(2) Any such notice may—

- (a) in the case of a body corporate, be served on or given to the secretary or clerk;
- (b) in the case of a partnership, be served on or given to a partner or a person having control or management of the partnership business.

(3) For the purposes of this regulation, “proper address” means—

- (a) in the case of a body corporate or its secretary or clerk—
 - (i) the registered or principal office of that body; or
 - (ii) the email address of the secretary or clerk;
- (b) in the case of a partnership or a partner or person having control or management of the partnership business—
 - (i) the principal office of the partnership; or
 - (ii) the email address of a partner or a person having that control or management;
- (c) in any other case, a person’s last known address, including an email address.

(3) Section 33C was inserted, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 44(1). Section 33C(1) was substituted, in relation to England and Wales, by [S.I. 2007/3538](#) and amended, in relation to England and Wales, by [S.I. 2010/675](#).

(4) For the definition of “regulation authority”, see section 9(1), (1A) and (1AA) of the 1989 Act.

(5) For the definition of “enforcement authority”, see section 34B(11) of the 1990 Act.

(6) [1971 c. 80](#).

Status: This version of this part contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015, PART 1. (See end of Document for details)

(4) For the purposes of this regulation, the principal office of a company registered outside the United Kingdom or of a partnership established outside the United Kingdom is its principal office in the United Kingdom.

Commencement Information

I3 Reg. 3 in force at 6.4.2015, see [reg. 1\(1\)](#)

Status:

This version of this part contains provisions that are prospective.

Changes to legislation:

There are currently no known outstanding effects for the The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015, PART 1.