

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2015 No. 426

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

PROSPECTIVE

PART 3

Retention and return of seized property

Retention and return when an offence is being investigated

16.—(1) A seizure authority must deal with seized property in accordance with paragraph (2) where—

- (a) before the date of the determination notice, the authority is investigating an offence in respect of which the property was seized; and
 - (b) the authority is of the opinion that it is necessary to retain the property in order to investigate the offence.
- (2) The duty in relation to the seized property is to—
- (a) retain it during the continuance of the period determined in accordance with paragraph (3) while the seizure authority is of the opinion in paragraph (1)(b); and
 - (b) return it during the period determined in accordance with paragraph (4), in accordance with regulation 18.
- (3) The period for retention is the period which—
- (a) begins with the date of the determination notice; and
 - (b) ends no later than—
 - (i) 15 working days after that date; or
 - (ii) 30 working days after that date, where the seizure authority is the Environment Agency or the Natural Resources Body for Wales and the offence, or one of the offences, in respect of which the property was seized is a forfeiture offence.
- (4) The period for return is the period which—
- (a) begins with the last day of the period in paragraph (3); and
 - (b) ends 10 working days after that date.

Commencement Information

II Reg. 16 in force at 6.4.2015, see [reg. 1\(1\)](#)

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Changes and effects yet to be applied to :

- [reg. 16 coming into force by S.I. 2015/426 reg. 1\(1\)](#)