

SCHEDULE 1
POWERS IN RELATION TO EQUIPMENT SEIZED UNDER SECTION 47

Return etc. of seized equipment

- 6 (1) Where in the case of any seized equipment no proceedings in which it is related equipment are begun within the period mentioned in paragraph 2(1)(a)—
- (a) the responsible local authority shall return the equipment to any person who—
 - (i) appears to it to be the owner of the equipment; and
 - (ii) makes a claim for the return of the equipment within the period mentioned in sub-paragraph (2); and
 - (b) if no such person makes such a claim within that period, the responsible local authority may dispose of the equipment.
- (2) The period referred to in sub-paragraph (1)(a)(ii) is the period of 6 months beginning with the expiry of the period mentioned in paragraph 2(1)(a).
- (3) The responsible local authority shall take reasonable steps to bring to the attention of persons who may be entitled to do so their right to make such a claim.
- (4) Subject to sub-paragraph (6), the responsible local authority is not required to return any seized equipment under sub-paragraph (1)(a) until the person making the claim has paid any such reasonable charges for the seizure, removal and retention of the equipment as the authority may demand.
- (5) If—
- (a) equipment is sold in pursuance of—
 - (i) paragraph 4(6);
 - (ii) directions under paragraph 5; or
 - (iii) this paragraph; and
 - (b) before the expiration of the period of one year beginning with the date on which the equipment is sold any person satisfies the responsible local authority that at the time of its sale the person was the owner of the equipment,
- the authority shall pay that person any sum by which any proceeds of sale exceed any such reasonable charges for the seizure, removal or retention of the equipment as the authority may demand.
- (6) The responsible local authority cannot demand charges from any person under sub-paragraph (4) or (5) who it is satisfied did not know, and had no reason to suspect, that the equipment was likely to be used in the emission of noise exceeding the level determined under section 48.