



2001 CHAPTER 8

Enforcement

Powers of seizure

18.—(1) If an authorised officer or a constable has reasonable grounds for suspecting that a person has committed an offence under section 17, he may seize—

- (a) any article or thing being offered or exposed for sale by that person;
- (b) any other article or thing of a similar nature to that being offered or exposed for sale which is in the possession or under the control of that person; and
- (c) any receptacle or equipment being used by that person;

which may be required to be used as evidence in any proceedings or may be the subject of an application for a forfeiture order under section 19.

(2) Where an authorised officer or a constable seizes any article or thing which is a living creature or is, in his opinion, of a perishable nature, he may produce the article or thing to a justice of the peace.

(3) A justice of the peace to whom any article or thing is produced under subsection (2)—

- (a) may give to the authorised officer or constable a certificate in writing, describing the article or thing produced and containing such other particulars concerning the article or thing as the authorised officer or constable brings to his attention; and
- (b) may order that the article or thing be dealt with (whether by disposing of it or otherwise) in such manner as appears appropriate to him.

(4) A certificate given by a justice of the peace under subsection (3)(a) shall be sufficient evidence of the facts stated unless the contrary is proven.

(5) Subject to subsection (6), if—

- (a) before the expiration of the period of 28 days from the date of the seizure of an article, thing, receptacle or equipment under subsection (1), no complaint has been made to institute proceedings against the person from whom it was seized; or
- (b) such a complaint has been made within that period, but the proceedings are discontinued;

the article, thing, receptacle or equipment shall be returned to the person from whom it was seized.

(6) Subsection (5) does not apply—

- (a) where an article or thing has been disposed of in pursuance of an order under subsection (3)(b); or
- (b) where it has not proved possible to identify the person from whom an article, thing, receptacle or equipment was seized, and ascertain his address.

(7) Where, for the reason mentioned in subsection (6)(b), an article, thing, receptacle or equipment has not been returned to the person from whom it was seized, the council (whether the article, thing, receptacle or equipment was seized by an authorised officer or by a constable) may apply to a court of summary jurisdiction for an order as to the manner in which it should be dealt with.

(8) In this section and sections 19 and 20, “proceedings” means proceedings for an offence under section 17 in respect of the activities that gave rise to the seizure of the article, thing, receptacle or equipment.