



## 2011 CHAPTER 5

### *Waste*

#### **Detention of seized property**

2.—(1) In Article 5F of the 1997 Order (seizure of vehicles) after paragraph (3) insert—

“(3A) Regulations making provision under paragraph (3)(b)—

- (a) must (subject to sub-paragraph (b)) provide for seized property to be returned as mentioned in paragraph (3)(b) before the expiry of a period specified in the regulations;
- (b) may provide for a magistrates’ court, on an application by the Department, to authorise the Department to retain the seized property until such date or the happening of such event as the court may specify;
- (c) must, if they contain provision under sub-paragraph (b), provide for any person claiming to be entitled to the property to be afforded an opportunity to be heard by the court before it determines the application.”.

(2) In Article 42A of the 1997 Order (seizure of vehicles) after paragraph (3) insert—

“(3A) Regulations making provision under paragraph (3)(b)—

- (a) must (subject to sub-paragraph (b)) provide for seized property to be returned as mentioned in paragraph (3)(b) before the expiry of a period specified in the regulations;
- (b) may provide for a magistrates’ court, on an application by the Department, to authorise the Department to retain the seized

property until such date or the happening of such event as the court may specify;

- (c) must, if they contain provision under sub-paragraph (b), provide for any person claiming to be entitled to the property to be afforded an opportunity to be heard by the court before it determines the application.”.