

Status: Point in time view as at 03/10/2016. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Justice Act (Northern Ireland) 2016, Section 23. (See end of Document for details)



2016 CHAPTER 21

PART 1

FINES AND OTHER PENALTIES: ENFORCEMENT

CHAPTER 1

Collection of Fines etc.

Seizure of vehicles

Vehicle seizure order

23.—(1) A vehicle seizure order is an order—

- (a) that the vehicle specified in the order is to be sold, or otherwise disposed of, in accordance with regulations, and
- (b) that any proceeds of the sale are to be applied in accordance with regulations for the purpose of securing payment of the outstanding amount.

(2) A vehicle seizure order entitles a police officer, or a person authorised by the Department of Justice for the purposes of this Chapter, to seize, remove, secure and store the vehicle specified in the order.

(3) On a referral under section 6(6), the collection officer must attend the hearing in order to give such evidence as the responsible court may require (even though the collection officer's report is, by virtue of section 7(3), admissible at the hearing).

(4) Before making a vehicle seizure order, the responsible court must, in satisfying itself that the order would be justified, reasonable and proportionate in all the circumstances of the case, have particular regard to the likely effect of the order on the debtor's ability to earn a living.

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- (5) A vehicle seizure order may not be made in relation to—
- (a) a vehicle which displays a current disabled person's badge or recognised badge,
 - (b) a vehicle which it is reasonable to believe is used for the carriage of a disabled person,
 - (c) a vehicle which is used for police, fire and rescue or ambulance purposes,
 - (d) a vehicle which is used by a medical practitioner on call from the practitioner's usual place of work and which displays a badge showing the practitioner's status as such and his or her address, or
 - (e) a vehicle of such other description as may be specified in regulations.
- (6) In subsection (5)—
- “disabled person's badge” means a badge issued, or having effect as if issued, under regulations made under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978,
- “recognised badge” has the meaning given in section 14A of that Act, and
- “medical practitioner” means a fully registered person within the meaning of the Medical Act 1983 who holds a licence to practise under that Act.
- (7) Regulations may make further provision in relation to vehicle seizure orders; and the regulations may in particular—
- (a) specify the matters which a collection officer must take into account before making a request on a referral under section 6(6);
 - (b) specify the matters to be included in a vehicle seizure order;
 - (c) provide that a vehicle specified in a vehicle seizure order may not be sold in reliance on the order before the end of a specified period following the making of the order;
 - (d) make provision in relation to the removal, securing and storage of a vehicle seized in reliance on a vehicle seizure order;
 - (e) make provision enabling the release of a vehicle stored in reliance on a vehicle seizure order;
 - (f) make provision to protect any interest which a person other than the debtor has in a vehicle subject to a vehicle seizure order.
- (8) Provision by virtue of subsection (7)(e) may provide for specified conditions to be met before the vehicle concerned is released; and the conditions may, in particular, include a condition requiring the payment of charges of a specified amount or description.
- (9) This section applies in the case of a person who was convicted of an offence, but not sentenced, before the commencement of this section (as well as in the case of a person convicted after that commencement).

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Commencement Information

- II** S. 23(1)(5)(e)(7)(8) in operation at 3.10.2016 for specified purposes by S.R. 2016/248, **art. 4(j)**

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