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## STATUTORY INSTRUMENTS

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# 2008 No. 1216

## The Criminal Justice (Northern Ireland) Order 2008

### PART 4

#### ROAD TRAFFIC OFFENCES

##### *Seizure of vehicles used in a manner causing alarm, distress or annoyance*

##### **Seizure of vehicles used in a manner causing alarm, distress or annoyance**

**65.**—(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

- (a) contravenes Article 12 or 48 of the Road Traffic (Northern Ireland) Order 1995 (NI 18) (careless and inconsiderate driving and prohibition of off-road driving), and
- (b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in paragraph (3).

(2) A constable in uniform shall also have the powers set out in paragraph (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within paragraph (1).

(3) Those powers are—

- (a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
- (b) power to seize and remove the motor vehicle;
- (c) power, for the purposes of exercising a power falling within sub-paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;
- (d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of sub-paragraphs (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this Article unless—

- (a) he has warned the person appearing to him to be the person whose use falls within paragraph (1) that he will seize it, if that use continues or is repeated; and
- (b) it appears to him that the use has continued or been repeated after the warning.

(5) Paragraph (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this Article if—

- (a) the circumstances make it impracticable for him to give the warning;
- (b) the constable has already on that occasion given a warning under that paragraph in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

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**Changes to legislation:** *The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Seizure of vehicles used in a manner causing alarm, distress or annoyance is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or
  - (d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that paragraph has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous 12 months.
- (6) A person who fails to comply with an order under paragraph (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) Paragraph (3)(c) does not authorise entry into a private dwelling house.
- (8) The powers conferred on a constable by this Article shall be exercisable only at a time when regulations under Article 66 are in force.
- (9) In this Article and Article 66—
- “driving” and “motor vehicle” have the same meanings as in the Road Traffic (Northern Ireland) Order 1995 (NI 18); and
  - “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.

#### **Retention etc. of vehicles seized under Article 65**

- 66.**—(1) The Secretary of State may by regulations make provision as to—
- (a) the removal and retention of motor vehicles seized under Article 65; and
  - (b) the release or disposal of such motor vehicles.
- (2) Regulations under paragraph (1) may, in particular, make provision—
- (a) for the giving of notice of the seizure of a motor vehicle under Article 65 to a person who is the owner of that vehicle or who, in accordance with the regulations, appears to be its owner;
  - (b) for the procedure by which a person who claims to be the owner of a motor vehicle seized under Article 65 may seek to have it released;
  - (c) for requiring the payment of fees, charges or costs in relation to the removal and retention of such a motor vehicle and to any application for its release
  - (d) as to the circumstances in which a motor vehicle seized under Article 65 may be disposed of;
  - (e) as to the destination—
    - (i) of any fees or charges payable in accordance with the regulations; and
    - (ii) of the proceeds (if any) arising from the disposal of a motor vehicle seized under Article 65;
  - (f) for the delivery to a district council, in circumstances prescribed by or determined in accordance with the regulations, of any motor vehicle seized under Article 65.
- (3) Regulations under paragraph (1) must provide that a person who would otherwise be liable to pay any fee or charge under the regulations shall not be liable to pay it if—
- (a) the use by reference to which the motor vehicle in question was seized was not a use by him; and
  - (b) he did not know of the use of the vehicle in the manner which led to its seizure, had not consented to its use in that manner and could not, by the taking of reasonable steps, have prevented its use in that manner.

**Changes to legislation:**

The Criminal Justice (Northern Ireland) Order 2008, Cross Heading: Seizure of vehicles used in a manner causing alarm, distress or annoyance is up to date with all changes known to be in force on or before 02 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 2 Pt. 1 para. 31A renumbered as 31(B) by [2022 c. 19 \(N.I.\) Sch. 4 para. 3\(a\)](#)
- art. 19(1A) inserted by [2015 c. 9 \(N.I.\) s. 82](#)
- art. 45(1A) inserted by [2011 c. 24 \(N.I.\) s. 58\(2\)](#)