
EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Articles 4 and 7(1) of the Unauthorised Encampments (Northern Ireland) Order 2005 (which relates to trespassers on land) the police have certain powers to seize and remove vehicles. These Regulations provide for the retention, safekeeping, disposal and destruction, by the police or persons authorised by them, of vehicles seized under those powers.

Under regulation 4 the authority having custody of the vehicle are obliged to take steps to serve a notice on the person from whom the vehicle was seized requiring him to claim the vehicle within 21 days. The notice must indicate that charges are payable by that person and that the vehicle may be retained until these charges are paid. The level of the charges is prescribed in regulation 9.

Where the authority are unable to serve a notice on the person from whom the vehicle was seized, or that person fails to remove the vehicle from their custody, the authority must take steps to identify and serve a similar notice on the owner of the vehicle, if he is a different person.

Where the authority is unsuccessful, or the owner fails to remove the vehicle, they may destroy or dispose of the vehicle in accordance with regulations 6 and 7.

Regulation 8 provides that where a vehicle is sold, the net proceeds of sale are payable to the owner of the vehicle, if he makes a claim within 1 year of the sale.