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STATUTORY RULES OF NORTHERN IRELAND

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**2018 No. 102**

**The Enforcement of Fines and Other  
Penalties Regulations (Northern Ireland) 2018**

**PART 5**

**VEHICLE SEIZURE ORDERS**

**Interpretation of this Part**

**30.** In this Part—

“appropriate officer” means—

- (a) if a collection order was made, the collection officer; or
- (b) if no collection order was made, the proper officer;

“authorised person” means a person authorised by the Department of Justice under section 23(2) of the Act;

“charges due” means charges which are payable in accordance with Schedule 3 in respect of the removal, storage or disposal of the vehicle.

**Matters to be taken into account by the collection officer**

**31.** Before making a request on a referral under section 6(6) of the Act, in addition to the matters specified in section 6(7), the collection officer must be satisfied that the debtor is the sole owner of the vehicle to which the request refers.

**Content of a vehicle seizure order**

**32.** A vehicle seizure order shall be in Form 9, as set out in Schedule 1, and shall include—

- (a) the debtor’s full name, address and date of birth;
- (b) the amount of the sum due;
- (c) the date on which the collection order was made;
- (d) the outstanding amount for which the debtor is liable;
- (e) the date on which the vehicle seizure order was made;
- (f) the make, model and registration mark of the vehicle to be seized;
- (g) details of how the outstanding amount may be paid;
- (h) notice that the vehicle shall be seized and removed to storage if the outstanding amount is not paid in full within 28 days;
- (i) the charges payable by the debtor if the vehicle is seized, as prescribed in Schedule 3;
- (j) notice that the vehicle may be sold or otherwise disposed of if payment of the outstanding amount and any charges due is not made in full within 28 days of its seizure; and

- (k) the contact details of the appropriate officer.

### **Procedure on making a vehicle seizure order**

**33.—**(1) Where a vehicle seizure order is made, the appropriate officer shall serve a copy, as soon as is practicable, on the debtor.

(2) If payment of the outstanding amount is not made within 28 days of service of the order on the debtor, the appropriate officer shall serve a copy of the order on the Police Service of Northern Ireland who may then seize the vehicle and arrange its removal to storage by an authorised person.

### **Places where vehicles may be seized**

**34.—**(1) A vehicle which is the subject of a vehicle seizure order may be seized—

- (a) by a police officer or an authorised person from any place to which the public has access, including any highway or road; or
- (b) by a police officer from any private premises or property other than a dwelling house.

(2) For the purpose of seizing a vehicle under paragraph (1)(b), a police officer may—

- (a) enter any such premises or property on which the officer has reasonable grounds for believing the vehicle to be; and
- (b) use reasonable force if necessary in the exercise of that power.

### **Defect in vehicle seizure order or irregularity in its execution**

**35.—**(1) A vehicle seizure order shall not be held void by reason of any defect in the order.

(2) A person acting in the execution of a vehicle seizure order shall not be deemed to be a trespasser by reason only of any irregularity in the execution of the order.

(3) Nothing in this regulation shall prejudice the claim of any person for special damages in respect of any loss caused by a defect in the vehicle seizure order or irregularity in its execution.

### **Removal of vehicle to storage**

**36.** Where a vehicle is seized and removed to storage the appropriate officer shall serve written notice on the debtor specifying—

- (a) the registration mark of the seized vehicle;
- (b) the date the vehicle seizure order was made;
- (c) that since the outstanding amount has not been paid in full within the time specified on the vehicle seizure order, the vehicle has been seized and removed to storage;
- (d) the date, time and place of seizure;
- (e) the address, telephone number and opening hours of the storage premises;
- (f) how to apply for the release of a vehicle wrongly seized;
- (g) details of charges payable for the removal, storage and disposal of the vehicle;
- (h) how to pay the outstanding amount and charges due;
- (i) that unless the outstanding amount and charges due are paid in full within 28 days from the date of seizure, the vehicle may be sold or otherwise disposed of;
- (j) that if the vehicle is sold, the charges due and the outstanding amount will be deducted from the proceeds of sale before any balance is sent to the debtor; and
- (k) the contact details of the appropriate officer.

### **Storage of vehicle**

**37.**—(1) Premises used for the storage of seized vehicles shall be secure and such as to protect them from damage or unreasonable deterioration.

(2) A vehicle removed to storage shall remain in storage until it is—

- (a) released pursuant to a court order under regulation 38;
- (b) released in accordance with regulation 39; or
- (c) sold or otherwise disposed of in accordance with regulation 40.

### **Release of vehicle wrongly seized**

**38.**—(1) Where a vehicle is seized, removed or stored in breach of any provision of this Part, a person may apply to the responsible court for the release of the vehicle.

(2) An application under paragraph (1) shall be made, giving details in writing, within 14 days of the alleged breach (or such further time as the court may allow) and a copy shall be served on the Police Service for Northern Ireland and the appropriate officer.

(3) The proper officer shall notify—

- (a) the applicant, the Police Service for Northern Ireland and, where a collection order was made, the collection officer of the date, time and place of the hearing; and
- (b) the applicant that he or she may attend and may be represented at the hearing.

(4) The appropriate officer, an officer of the Police Service for Northern Ireland or the authorised person, as the case may require, shall attend the hearing for the purpose of answering the court's questions and providing relevant information.

(5) On an application the responsible court may—

- (a) order the release of the vehicle, with or without payment of any charges due; or
- (b) dismiss the application and allow such further time for payment of the outstanding amount and charges due as the court may determine.

(6) Where the responsible court orders the release of the vehicle the appropriate officer shall notify the authorised person who shall release the vehicle without delay in accordance with the order, and shall issue a receipt which shall detail—

- (a) the registration mark of vehicle;
- (b) the amount of payment made in respect of any charges due;
- (c) the date of payment; and
- (d) the name of person issuing the receipt.

### **Release of vehicle on payment of outstanding amount and charges**

**39.**—(1) A vehicle which has been seized and removed to storage may be released in accordance with this regulation upon payment of the outstanding amount and the charges due.

(2) Payment of the outstanding amount shall be made to the responsible court.

(3) Upon receipt of payment under paragraph (2), the appropriate officer shall advise the Police Service for Northern Ireland that the outstanding amount has been paid and, subject to the payment of any charges due, may be released.

(4) Payment of charges due may be made to the authorised person during office opening hours following payment of the outstanding amount.

(5) The authorised person shall release the vehicle without delay upon payment of the charges due, and shall issue a receipt which shall detail—

- (a) the registration mark of vehicle;
- (b) the amount of payment made in respect of the charges due;
- (c) the date of payment; and
- (d) the name of person issuing the receipt.

#### **Sale or disposal of seized vehicle**

**40.**—(1) A vehicle which has been seized and removed to storage shall not be sold or otherwise disposed of—

- (a) before the expiry of the period of 28 days from the date of its seizure and removal to storage; or
- (b) where an application for release under regulation 38 has been made, until such application has been determined and any further time allowed has expired,

whichever is later.

(2) A vehicle which is to be sold or disposed of may be sold or disposed of in such manner as the authorised person thinks fit.

#### **Ownership of the vehicle on sale**

**41.** On the sale of a vehicle which is subject to a vehicle seizure order, its ownership shall vest solely in the purchaser.

#### **Treatment of proceeds of sale of a seized vehicle**

**42.**—(1) Where a seized vehicle has been sold, the authorised person shall first deduct from the proceeds of sale the amount of the charges due and shall then send the remaining balance to the Police Service for Northern Ireland as soon as is practicable.

(2) The Police Service for Northern Ireland shall send the balance received under paragraph (1) to the appropriate officer who shall deduct an amount sufficient to discharge the debtor's liability in respect of the outstanding amount.

(3) The appropriate officer shall send payment of any remaining balance to the debtor, accompanied by a written statement of account, within 10 days of receipt of funds from the Police Service for Northern Ireland.

(4) If a seized vehicle is sold and the proceeds of sale are not sufficient to meet the outstanding amount and any charges due, the proceeds of sale shall first be applied towards meeting the charges due and then, if a balance remains, towards discharging the debtor's liability in respect of the outstanding amount.

#### **Charges**

**43.** The charges payable to the authorised person in connection with the removal, storage and disposal of the vehicle are those prescribed in Schedule 3.