



Control of Pollution (Amendment) Act 1989

1989 CHAPTER 14

[^{F1}5A Seizure of vehicles etc : supplementary

- (1) Where under section 5 above an authorised officer of a regulation authority or a constable seizes a vehicle or its contents (“seized property”) on behalf of a regulation authority, the authority may remove the seized property to such a place as the authority consider appropriate.
- (2) A regulation authority must deal with any seized property in accordance with regulations made by the appropriate person.
- (3) Regulations under subsection (2) above may in particular include provision as to—
 - (a) the duties of a regulation authority in relation to the safe custody of seized property;
 - (b) the circumstances in which the authority must return any such property to a person claiming entitlement to it;
 - (c) the manner in which such persons, and the seized property to which they are entitled, may be determined;
 - (d) the circumstances in which the authority may sell, destroy or otherwise dispose of seized property;
 - (e) the uses to which the proceeds of any such sale may be put.
- (4) Regulations making provision under subsection (3)(d) above—
 - (a) must (subject to paragraph (c) below) require the regulation authority to publish a notice in such form, and to take any other steps, as may be specified in the regulations for informing persons who may be entitled to the seized property that it has been seized and is available to be claimed;
 - (b) must (subject to paragraph (c) below) prohibit the authority from selling, destroying or otherwise disposing of any seized property unless a period specified in the regulations has expired without any obligation arising under the regulations for the authority to return the property to any person;

Changes to legislation: There are currently no known outstanding effects for the Control of Pollution (Amendment) Act 1989, Section 5A. (See end of Document for details)

- (c) may allow for the requirements in paragraphs (a) and (b) above to be dispensed with if the condition of the seized property requires its disposal without delay.
- (5) The appropriate person may issue guidance to regulation authorities in relation to the performance of their functions under regulations under subsection (2) above.]

Textual Amendments

- F1** Ss. 5, 5A substituted for s. 5 (E.W.) (16.3.2006 for W. for specified purposes, 6.4.2006 for E. for specified purposes, 27.10.2006 for W. for specified purposes, 3.3.2015 for E. for specified purposes and 6.4.2015 for remaining purposes) by [Clean Neighbourhoods and Environment Act 2005 \(c. 16\)](#), [ss. 37, 108\(1\), \(2\)](#); [S.I. 2006/768](#), art. 3; [S.I. 2006/795](#), art. 2(3), Sch. 2; [S.I. 2006/2797](#), art. 2(h); [S.I. 2015/425](#), arts. 2(a), 4(1)(a)

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