SCHEDULE

POWERS IN RELATION TO SEIZED EQUIPMENT

Extent Information

E1 In its application to Northern Ireland, this Schedule has effect subject to the modifications set out in s. 14; see 14(4)

Commencement Information

I1 Sch. wholly in force; Sch. not in force at Royal Assent see s. 14(2); Sch. in force for England and Wales for specified purposes at 19.9.1996 by S.I. 1996/2219, **art. 3**; Sch. in force at 23.7.1997 insofar as not already in force for England and Wales by S.I. 1997/1695, **art. 2**; Sch. in force at 1.9.1997 for Northern Ireland by S.R. 1997/366, **art. 2**

Return etc. of seized equipment

5 If in proceedings for a noise offence no order for forfeiture of related equipment is made, the court (whether or not a person is convicted of the offence) may give such directions as to the return, retention or disposal of the equipment by the responsible local authority as it thinks fit.

6 (1) Where in the case of any seized equipment no proceedings in which it is related equipment are begun within the period mentioned in paragraph 2(1)(a)—

(a) the responsible local authority must return the equipment to any person who—

(i) appears to them to be the owner of the equipment, and

(ii) makes a claim for the return of the equipment within the period mentioned in sub-paragraph (2), and

(b) if no such person makes such a claim within that period, the responsible local authority may dispose of the equipment.

(2) The period referred to in sub-paragraph (1)(a)(ii) is the period of six months beginning with the expiry of the period mentioned in paragraph 2(1)(a).

(3) The responsible local authority must take reasonable steps to bring to the attention of persons who may be entitled to do so their right to make such a claim.

(4) Subject to sub-paragraph (6), the responsible local authority is not required to return any seized equipment under sub-paragraph (1)(a) until the person making the claim has paid any such reasonable charges for the seizure, removal and retention of the equipment as the authority may demand.

(5) If—

(a) equipment is sold in pursuance of—

(i) paragraph 4(6),

(ii) directions under paragraph 5, or

(iii) this paragraph, and

(b) before the expiration of the period of one year beginning with the date on which the equipment is sold any person satisfies the responsible local authority that at the time of its sale he was the owner of the equipment,

Changes to legislation: *There are currently no known outstanding effects for the Noise Act 1996, Cross Heading: Return etc. of seized equipment. (See end of Document for details)*

the authority is to pay him any sum by which any proceeds of sale exceed any such reasonable charges for the seizure, removal or retention of the equipment as the authority may demand.

(6) The responsible local authority cannot demand charges from any person under sub-paragraph (4) or (5) who they are satisfied did not know, and had no reason to suspect, that the equipment was likely to be used in the emission of noise exceeding the level determined under section 5.

Changes to legislation:
There are currently no known outstanding effects for the Noise Act 1996, Cross Heading: Return etc. of seized equipment.