STATUTORY RULES OF NORTHERN IRELAND

2013 No. 260

ENVIRONMENTAL PROTECTION

The Controlled Waste (Seizure of Property) Regulations (Northern Ireland) 2013

Made - - - -	*8th November 2013*
Coming into operation	*6th December 2013*

The Department of the Environment, in exercise of the powers conferred on it by Articles 2(4), 5F(2) and 42A(2) of the Waste and Contaminated Land (Northern Ireland) Order 1997(**1**), and Article 76 of the Magistrates' Court (Northern Ireland) Order 1981(**2**) makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Controlled Waste (Seizure of Property) Regulations (Northern Ireland) 2013 and shall come into operation on 6th December 2013.

(2) In these Regulations—

"authorised officer" means a person authorised by the Department for the purposes of these Regulations;

"the 1997 Order" means the Waste and Contaminated Land (Northern Ireland) Order 1997;

"mobile plant" means plant used for any operation involved in treating, keeping or disposing of controlled waste designed to move or be moved from place to place with a view to being used at such a place or, if not so designed, is readily capable of so moving or being moved;

"owner" in the case of a vehicle registered under the Vehicle Excise and Registration Act 1994(**3**) is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered;

"seized property" means the property seized in accordance with Article 5E of the Waste and Contaminated Land (Northern Ireland) Order 1997;

"vehicle" includes mobile plant.

(**1**) S.I. 1997/2778 (N.I. 19) as amended by S.I. 2007/611 (N.I.3)
(**2**) S.I. 1981/1675 (N.I. 26)
(**3**) 1994 c 22

Immediate disposal

2. The Department may dispose of or destroy seized property immediately if its condition is such that its disposal without delay is required in order to protect human health or the environment.

Removal and safe custody of seized property

3.—(1) The Department may remove seized property from the location at which it was seized and deliver to any place which the Department considers appropriate for searching or keeping seized property.

(2) Seized property may be removed by such means as are reasonable in the circumstances and, in the case of a seized vehicle, this may include the separation of a trailer from the remainder of the vehicle.

(3) Property seized in accordance with these Regulations shall remain in the custody of the Department until—

(a) it has been returned to the owner in accordance with these Regulations; or

(b) it has been sold, disposed of or destroyed in accordance with these Regulations.

(4) The Department shall take such steps as are reasonably required to ensure the safe custody of seized property, which may include the fixing of an immobilisation device to a seized vehicle.

Identifying the owner of the seized property

4.—(1) As soon as possible after seizure, the Department shall take reasonable steps to identify the owner of the seized property.

(2) In the case of a seized vehicle the Department shall—

(a) check to whom the vehicle is registered in Northern Ireland or, if the vehicle is not registered in Northern Ireland, consult the appropriate authority in the jurisdiction shown on the vehicle's number plate; and

(b) take all reasonable steps to ascertain whether the vehicle is subject to any hire purchase agreement.

Notice of Seizure

5.—(1) The Department shall, within 48 hours of seizure where practicable, issue a written notice giving details of the seized property to the owner of the seized property and may issue a further such notice to any other person with a legal interest in that property.

(2) If it has been unable to trace the owner of the seized property, the Department shall publish a notice giving details of the seized property either on its website, or in a newspaper in circulation in the area in which the property was seized.

(3) The details referred to in paragraph (1) and (2) shall include—

(a) the registration mark and make of the seized vehicle, if applicable, and, where appropriate, a description of the seized property;

(b) the date and place of seizure;

(c) the powers under which the property was seized;

(d) the reason that the property was seized;

(e) how and by what date the owner of the seized property must claim entitlement to the seized property;

(f) the information that will be required to establish entitlement to the seized property; and