
STATUTORY INSTRUMENTS

2015 No. 426

The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015

PART 4

Sale, destruction and disposal of seized property

Prohibition of sale etc.

20. A seizure authority must not sell, destroy or otherwise dispose of seized property other than in accordance with this Part.

Circumstances permitting sale etc.

21. A seizure authority may sell, destroy or otherwise dispose of seized property where a seizure notice has been published and served in accordance with regulations 7 to 9 and—

- (a) the claim period has ended and no claim was made;
- (b) a claim was made within the claim period but the seizure authority did not determine that the claimant was entitled; or
- (c) a duty to return arose but has ceased in accordance with regulation 19.

Immediate disposal

22. Where the condition of any seized property requires its disposal without delay, a seizure authority may immediately dispose of such property and accordingly—

- (a) the requirements of regulation 21 are dispensed with; and
- (b) the duties placed on the seizure authority under Part 2 or 3 of these Regulations, if applicable at the time of such disposal, cease to apply.

Notice of sale

23. Where a seizure authority has sold seized property in accordance with regulation 21, it must give notice of this within 10 working days of the sale—

- (a) to any person notified in respect of such property under regulation 9(1)(a); and
- (b) where the seized property is a vehicle with a Great Britain or Northern Ireland registration mark, to the Driver and Vehicle Licensing Agency.

Notice of destruction or disposal

24. Where a seizure authority has destroyed seized property in accordance with regulation 21, or disposed of such property in accordance with regulation 21 or 22, it must give notice of this within

10 working days of the destruction or disposal to any person notified in respect of such property under regulation 9(1)(a).

Proceeds of sale

25.—(1) Subject to paragraph (2), a seizure authority may use the proceeds of the sale of any seized property sold under regulation 21 towards meeting expenses incurred by the authority in exercising its functions under—

- (a) section 5 or 5A of the 1989 Act; or
- (b) section 34B or 34C of the 1990 Act.

(2) A seizure authority must pay the net proceeds of sale of any seized property sold under regulation 21 to any person who, before the end of the period of three months beginning with the date on which the property is sold—

- (a) provides the evidence specified in regulation 11(1); and
- (b) satisfies the authority that at the time of the sale that person was entitled to the property.

(3) Where there is more than one person who claims entitlement to the seized property or any part of the seized property under paragraph (2), a seizure authority must determine which person was entitled to such property (including any part of that property) on the basis of the evidence provided to the authority.

(4) In paragraph (2), “the net proceeds of sale” means any sum by which the proceeds of the sale of the seized property exceed the total expenses incurred by the seizure authority in respect of the seizure, retention and sale of that property.