

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

STATUTORY INSTRUMENTS

2015 No. 426

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

PROSPECTIVE

PART 1

General

Interpretation

2. In these Regulations—

“the 1989 Act” means the Control of Pollution (Amendment) Act 1989;

“the 1990 Act” means the Environmental Protection Act 1990;

“claim period” means the period determined in accordance with regulation 10;

“date of seizure” means the date on which the property was seized under section 5 of the 1989 Act(1) (power to require production of authority, stop and search etc.) or section 34B of the 1990 Act(2) (power to search and seize vehicles etc.);

“date of the determination notice” means the date on which the determination notice is given in accordance with regulation 12(2)(b);

“date of the seizure notice” means the first working day on which the period for display of the seizure notice begins in accordance with regulation 7(1)(a)(i);

“determination notice” means the notice given in accordance with regulation 12(1)(c);

“entitled person” means a person determined under regulation 12(1)(a) as entitled to all or part of the seized property;

“forfeiture offence” means an offence specified in section 33C(1) of the 1990 Act (section 33 offences: forfeiture of vehicles), in respect of which an order for forfeiture can be made under subsection (2) of that section(3);

“relevant collection period” means the period determined in accordance with regulation 12(1)(b)(ii);

“seizure authority” means—

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- (1) Section 5 was substituted (together with section 5A), in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 37. It was amended by the 1990 Act, Schedule 15, paragraph 31.
- (2) Section 34B was inserted, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 46(1). It was amended by [S.I. 2005/2900](#), [2007/3538](#), [2010/675](#) and [2013/755](#).
- (3) Section 33C was inserted, in relation to England and Wales, by the Clean Neighbourhoods and Environment Act 2005, section 44(1). Section 33C(1) was substituted, in relation to England and Wales, by [S.I. 2007/3538](#) and amended, in relation to England and Wales, by [S.I. 2010/675](#).

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- (a) a regulation authority⁽⁴⁾ on whose behalf property is seized under section 5 of the 1989 Act; or
- (b) an enforcement authority⁽⁵⁾ on whose behalf property is seized under section 34B of the 1990 Act;

“seizure notice” means a notice given in accordance with regulation 7⁽¹⁾;

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday under the Banking and Financial Dealings Act 1971⁽⁶⁾.

Commencement Information

II Reg. 2 in force at 6.4.2015, see [reg. 1\(1\)](#)

⁽⁴⁾ For the definition of “regulation authority”, see section 9(1), (1A) and (1AA) of the 1989 Act.

⁽⁵⁾ For the definition of “enforcement authority”, see section 34B(11) of the 1990 Act.

⁽⁶⁾ 1971 c. 80.

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Changes and effects yet to be applied to :

- [reg. 2 coming into force by S.I. 2015/426 reg. 1\(1\)](#)