
STATUTORY INSTRUMENTS

1987 No. 2049

The Consumer Protection (Northern Ireland) Order 1987

PART IV

ENFORCEMENT OF PART III

Appeals against detention of goods

25.—(1) Any person having an interest in any goods which are for the time being detained under any provision of this Part by the Department or by an officer of the Department may apply for an order requiring the goods to be released to him or to another person.

(2) An application under this Article may be made—

- (a) to any court of summary jurisdiction in which proceedings have been brought for an offence in respect of a contravention in relation to the goods of any provision made by or under Part III;
- (b) where no such proceedings have been so brought, by way of complaint to a court of summary jurisdiction.

(3) On an application under this Article to a court of summary jurisdiction, an order requiring goods to be released shall be made only if the court is satisfied—

- (a) that proceedings for an offence in respect of a contravention in relation to the goods of any provision made by or under Part III have not been brought or, having been brought, have been concluded; and
- (b) where no such proceedings have been brought, that more than six months have elapsed since the goods were seized.

(4) Any person aggrieved by an order made under this Article by a court of summary jurisdiction, or by a decision of such a court not to make such an order, may appeal against that order or decision to the county court; and an order so made may contain such provision as appears to the court to be appropriate for delaying the coming into force of the order pending the making and determination of any appeal (including any application under Article 146 of the Magistrates' Courts (Northern Ireland) Order 1981(1) (statement of case)).