
STATUTORY INSTRUMENTS

2008 No. 1216

The Criminal Justice (Northern Ireland) Order 2008

PART 4

ROAD TRAFFIC OFFENCES

Seizure of vehicles used in a manner causing alarm, distress or annoyance

Seizure of vehicles used in a manner causing alarm, distress or annoyance

65.—(1) Where a constable in uniform has reasonable grounds for believing that a motor vehicle is being used on any occasion in a manner which—

- (a) contravenes Article 12 or 48 of the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#) (careless and inconsiderate driving and prohibition of off-road driving), and
- (b) is causing, or is likely to cause, alarm, distress or annoyance to members of the public,

he shall have the powers set out in paragraph (3).

(2) A constable in uniform shall also have the powers set out in paragraph (3) where he has reasonable grounds for believing that a motor vehicle has been used on any occasion in a manner falling within paragraph (1).

(3) Those powers are—

- (a) power, if the motor vehicle is moving, to order the person driving it to stop the vehicle;
- (b) power to seize and remove the motor vehicle;
- (c) power, for the purposes of exercising a power falling within sub-paragraph (a) or (b), to enter any premises on which he has reasonable grounds for believing the motor vehicle to be;
- (d) power to use reasonable force, if necessary, in the exercise of any power conferred by any of sub-paragraphs (a) to (c).

(4) A constable shall not seize a motor vehicle in the exercise of the powers conferred on him by this Article unless—

- (a) he has warned the person appearing to him to be the person whose use falls within paragraph (1) that he will seize it, if that use continues or is repeated; and
- (b) it appears to him that the use has continued or been repeated after the warning.

(5) Paragraph (4) does not require a warning to be given by a constable on any occasion on which he would otherwise have the power to seize a motor vehicle under this Article if—

- (a) the circumstances make it impracticable for him to give the warning;
- (b) the constable has already on that occasion given a warning under that paragraph in respect of any use of that motor vehicle or of another motor vehicle by that person or any other person;

- (c) the constable has reasonable grounds for believing that such a warning has been given on that occasion otherwise than by him; or
 - (d) the constable has reasonable grounds for believing that the person whose use of that motor vehicle on that occasion would justify the seizure is a person to whom a warning under that paragraph has been given (whether or not by that constable or in respect the same vehicle or the same or a similar use) on a previous occasion in the previous 12 months.
- (6) A person who fails to comply with an order under paragraph (3)(a) is guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (7) Paragraph (3)(c) does not authorise entry into a private dwelling house.
- (8) The powers conferred on a constable by this Article shall be exercisable only at a time when regulations under Article 66 are in force.
- (9) In this Article and Article 66—
- “driving” and “motor vehicle” have the same meanings as in the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#); and
 - “private dwelling house” does not include any garage or other structure occupied with the dwelling house, or any land appurtenant to the dwelling house.