



Consumer Protection Act 1987

1987 CHAPTER 43

PART IV

ENFORCEMENT OF PARTS II AND III

33 Appeals against detention of goods.

- (1) Any person having an interest in any goods which are for the time being detained under [F¹section 29(4)] by an enforcement authority or by an officer of such an authority may apply for an order requiring the goods to be released to him or to another person.
- (2) An application under this section may be made—
 - (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland—
 - (i) for an offence in respect of a contravention in relation to the goods of any safety provision ^{F²}. . . ; or
 - (ii) for the forfeiture of the goods under section 16 above;
 - (b) where no such proceedings have been so brought, by way of complaint to a magistrates' court; or
 - (c) in Scotland, by summary application to the sheriff.
- (3) On an application under this section to a magistrates' court or to the sheriff, an order requiring goods to be released shall be made only if the court or sheriff is satisfied—
 - (a) that proceedings—
 - (i) for an offence in respect of a contravention in relation to the goods of any safety provision ^{F³}. . . ; or
 - (ii) for the forfeiture of the goods under section 16 or 17 above,have not been brought or, having been brought, have been concluded without the goods being forfeited; and
 - (b) where no such proceedings have been brought, that more than six months have elapsed since the goods were seized.

Status: Point in time view as at 16/07/2021.

Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 33. (See end of Document for details)

- (4) Any person aggrieved by an order made under this section by a magistrates' court in England and Wales or Northern Ireland, or by a decision of such a court not to make such an order, may appeal against that order or decision—
- (a) in England and Wales, to the Crown Court;
 - (b) in Northern Ireland, 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 section 111 of the ^{M1}Magistrates' Courts Act 1980 or Article 146 of the ^{M2}Magistrates' Courts (Northern Ireland) Order 1981 (statement of case)).

Textual Amendments

- F1** Words in s. 33(1) substituted (1.10.2015) by [Consumer Rights Act 2015 \(c. 15\), s. 100\(5\), Sch. 6 para. 44](#); S.I. 2015/1630, art. 3(i) (with art. 8)
- F2** Words in s. 33(2)(a)(i) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\), reg. 30\(3\), Sch. 4 Pt. 1](#) (with reg. 28(2)(3), Sch. 3 para. 6)
- F3** Words in s. 33(3)(a)(i) repealed (26.5.2008) by [The Consumer Protection from Unfair Trading Regulations 2008 \(S.I. 2008/1277\), reg. 30\(3\), Sch. 4 Pt. 1](#) (with reg. 28(2)(3), Sch. 3 para. 6)

Modifications etc. (not altering text)

- C1** S. 33 applied (with modifications) (1.1.1993) by S.I. 1992/3073, reg. 28, [Sch. 6 para. 3\(c\)](#)
S. 33 applied (with modifications) (1.7.1997) by S.I. 1997/831, reg. 19(1)-(4), [Sch. 15 para. 2\(b\)](#) (with [Sch. 15 para. 7](#))
Ss. 28-35 applied (with modifications) (31.5.1998) by S.I. 1998/1165, [reg. 13\(2\)\(a\)](#) (which said S.I. was revoked (25.8.2003) by S.I. 2003/1941, [reg. 1\(2\)](#))
Ss. 28-35 applied (with modifications) (26.4.1999) by S.I. 1999/1053, [reg. 16\(3\)\(a\)](#)
Ss. 28-35 applied (with modifications) (29.11.1999) by S.I. 1999/2001, reg. 24, [Sch. 8 para. 2\(c\)](#)
Ss. 28-35 applied (with modifications) (8.4.2000) by S.I. 2000/730, reg. 18(1), [Sch. 9 para. 1\(2\)](#)
Ss. 28-35 applied (with modifications) (15.5.2002) by S.I. 2002/1144, regs. 2(2), 16(1)-(3), Sch. 10 paras. 1, 3
Ss. 28-35 applied (with modifications) (25.8.2003) by S.I. 2003/1941, reg. 8, [Sch. IV para. 2\(a\)](#)
- C2** S. 33 applied (in part) (E.W.S) (28.11.2003 for certain purposes, 15.7.2004 for certain further purposes and otherwise prosp.) by [Fireworks Act 2003 \(c. 22\), ss. 12\(2\)\(d\), 18](#) (with s. 2(8)); S.I. 2003/3084, [art. 2, Sch.](#); S.I. 2004/1831, [art. 2, Sch.](#)
- C3** S. 33 applied (with modifications) (17.8.2015) by [The Pyrotechnic Articles \(Safety\) Regulations 2015 \(S.I. 2015/1553\), reg. 1, Sch. 7 paras. 1\(j\), 2](#)
- C4** S. 33 applied (with modifications) (8.12.2016) by [The Electrical Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1101\), reg. 1, Sch. 3 paras. 1, 2](#) (with reg. 3)
- C5** S. 33 applied (with modifications) (8.12.2016) by [The Electromagnetic Compatibility Regulations 2016 \(S.I. 2016/1091\), reg. 1, Sch. 7 paras. 1, 2](#) (with regs. 74, 75(5))
- C6** S. 33 applied (with modifications) (8.12.2016) by [The Simple Pressure Vessels \(Safety\) Regulations 2016 \(S.I. 2016/1092\), reg. 1, Sch. 5 paras. 1\(j\), 2](#) (with reg. 3)
- C7** S. 33 applied (with modifications) (8.12.2016) by [The Pressure Equipment \(Safety\) Regulations 2016 \(S.I. 2016/1105\), reg. 1, Sch. 7 paras. 1\(j\), 2](#) (with reg. 88)
- C8** S. 33 applied (with modifications) (8.12.2016) by [The Lifts Regulations 2016 \(S.I. 2016/1093\), reg. 1, Sch. 7 paras. 1\(i\), 2](#) (with regs. 3-5)
- C9** S. 33 applied (with modifications) (3.8.2017) by [The Recreational Craft Regulations 2017 \(S.I. 2017/737\), reg. 1, Sch. 13 paras. 1\(j\), 2](#) (with reg. 89)
- C10** S. 33 applied (with modifications) (26.12.2017) by [The Radio Equipment Regulations 2017 \(S.I. 2017/1206\), reg. 1, Sch. 10 paras. 1, 2](#) (with regs. 3-5, 77)

Status: Point in time view as at 16/07/2021.

Changes to legislation: There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 33. (See end of Document for details)

- C11** S. 33 applied (with modifications) (21.4.2018) by [The Gas Appliances \(Enforcement\) and Miscellaneous Amendments Regulations 2018 \(S.I. 2018/389\)](#), reg. 1(1), **Sch. 1** (with reg. 2)
- C12** S. 33 applied (with modifications) (21.4.2018) by [The Personal Protective Equipment \(Enforcement\) Regulations 2018 \(S.I. 2018/390\)](#), reg. 1(1), **Sch. 1** (with reg. 2(1)-(3))
- C13** S. 33 applied (with modifications) (N.I.) (16.7.2021) by [The Market Surveillance \(Northern Ireland\) Regulations 2021 \(S.I. 2021/858\)](#), reg. 1(1), Sch. 2 paras. 1, 2 (with reg. 3)

Marginal Citations

- M1** 1980 c. 43.
- M2** S.I. 1981/1675 (N.I. 26).

Status:

Point in time view as at 16/07/2021.

Changes to legislation:

There are currently no known outstanding effects for the Consumer Protection Act 1987, Section 33.