



# Finance Act 2016

## 2016 CHAPTER 24

### PART 11

#### ADMINISTRATION, ENFORCEMENT AND SUPPLEMENTARY POWERS

##### *Enforcement powers*

#### **175 Detention and seizure under CEMA 1979: notice requirements etc**

- (1) CEMA 1979 is amended as follows.
- (2) Schedule 2A (detention of things as liable to forfeiture) is amended as set out in subsections (3) and (4).
- (3) In paragraph 3(2) (exceptions to requirement of notice of detention)—
  - (a) omit the “or” at the end of paragraph (b), and after that paragraph insert—
    - “(ba) a person who has (or appears to have) possession or control of the thing being detained,”;
  - (b) in paragraph (c), after “on” insert “or from”;
  - (c) at the end insert “, or
  - (d) in the case of any thing detained on or from a vehicle, the driver of the vehicle.”
- (4) In paragraph 4(2) (unauthorised removal or disposal of things detained: definition of “responsible person”), for paragraphs (a) and (b) substitute—
  - “(a) the person whose offence or suspected offence occasioned the detention,
  - (b) the owner or any of the owners of the thing detained or any servant or agent of such an owner,
  - (c) a person who has (or appears to have) possession or control of the thing being detained,
  - (d) in the case of any thing detained on a ship or aircraft, the master or commander,

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*Status: This is the original version (as it was originally enacted).*

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- (e) in the case of any thing detained on a vehicle, the driver of the vehicle, or
  - (f) a person whom the person who detains the thing reasonably believes to be a person within any of paragraphs (a) to (e).”
- (5) In Schedule 3 (seizure and forfeiture), in paragraph 1(2) (exceptions to requirement of notice of seizure)—
  - (a) after paragraph (b) insert—
    - “(ba) a person who has (or appears to have) possession or control of the thing being seized; or”;
  - (b) in paragraph (c), for “in” substitute “on or from”;
  - (c) at the end insert “; or
    - (d) in the case of any thing seized on or from a vehicle, the driver of the vehicle.”
- (6) The amendments made by this section have effect in relation to things detained or seized on or after the day on which this Act is passed.