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STATUTORY INSTRUMENTS

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**2015 No. 426**

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

PART 3

Retention and return of seized property

**Determination of entitlement**

**12.**—(1) Where a claim is made which satisfies the requirements of regulation 10, a seizure authority must—

- (a) determine entitlement in respect of a claim;
- (b) where a claimant is determined as entitled, determine—
  - (i) whether a duty to retain arises under regulation 15(2)(a) or 16(2)(a); and
  - (ii) where such a duty does not arise, the period for collection, which is the period beginning with the date of the determination notice and ending 10 working days after that date; and
- (c) give notice of such determination.

(2) The notice under paragraph (1) must—

- (a) meet the requirements of regulation 13; and
- (b) be given within the period—
  - (i) beginning with the date on which the claim was made and ending 3 working days after that date; or
  - (ii) where applicable, beginning with the date on which evidence was provided in accordance with regulation 11(2) and ending 3 working days after that date.

(3) Where there is more than one claim to the seized property or any part of the seized property, a seizure authority must determine under paragraph (1) which person is entitled to such property (including any part of that property) on the basis of the evidence provided to the authority.