

SCHEDULES

SCHEDULE 4

Offences, penalties, enforcement and other matters

PART 3

Enforcement and other matters

Applications for the release of detained items

12.—(1) Any person having an interest in any relevant products or records detained for the time being under paragraph 10 may apply for an order requiring any item so detained to be released to the applicant or another person.

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

- (a) to any magistrates' court in which proceedings have been brought in England and Wales or Northern Ireland for an offence in respect of a contravention of any provision of these Regulations in connection with the detained item,
- (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) A magistrates' court or the sheriff must not make an order under sub-paragraph (1) unless the court or sheriff is satisfied that—

- (a) proceedings have not been brought for an offence in respect of a contravention of any provision of these Regulations in connection with the detained item or, having been brought, have been concluded, and
- (b) where no such proceedings have been brought, more than six months have elapsed since the seizure was carried out.

(4) Any person aggrieved by an order made under this paragraph by a magistrates' court or sheriff, or by a decision of such a court or sheriff not to make such an order, may appeal against that order or decision—

- (a) in England and Wales, to the Crown Court,
- (b) in Scotland, to the Sheriff Appeal Court as though it were an appeal under section 110(1) of the Courts Reform (Scotland) Act 2014 ^{M1}, or
- (c) in Northern Ireland, to a county court.

(5) In England and Wales or in Northern Ireland, 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 Magistrates' Courts Act 1980 ^{M2} or article 146 of the Magistrates' Courts (Northern Ireland) Order 1981 ^{M3} (statement of case)).

Changes to legislation: The Road Vehicles (Approval) Regulations 2020, Paragraph 12 is up to date with all changes known to be in force on or before 12 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Commencement Information

I1 Sch. 4 para. 12 in force at 1.9.2020, see reg. 1(b)

Marginal Citations

M1 2014 asp 18.

M2 1980 c.43.

M3 S.I. 1981/1675 (N.I. 26).

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Changes and effects yet to be applied to :

- Regulations power to amend conferred by [2024 c. 10 s. 91](#)