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Guidance

Local authorities: seizing vehicles for suspected waste crime

How and when you can seize a vehicle to investigate a waste crime.

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Applies to:

England and Wales

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As a local authority, you can seize a vehicle, trailer or mobile plant and their contents if you think it's being or will be used in the waste crimes described in this guide.

You should only seize a vehicle if it's the only way you can investigate a waste crime. Before seizing a vehicle, you should consider the costs of seizing and storing it.

When you can seize a vehicle

You can only seize a vehicle if you suspect it's:

- been used to illegally dump waste (eg fly tipping) in a way that could cause pollution to the environment or harm to human health

- driven by someone not registered as a waste carrier (<https://www.gov.uk/find-registered-waste-carrier>)
- been used at a site that's breaking the rules of an environmental permit (<https://www.gov.uk/environmental-permit-check-if-you-need-one>)
- breaking the rules of duty of care (<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>), eg it's been used to transfer waste to someone not registered as a waste carrier

You can't seize a vehicle for a crime that the owner has already been prosecuted for.

How to seize a vehicle

Tell the police

You must tell the chief officer of police for the area you seized a vehicle from.

Moving vehicles

Only police can stop vehicles. You must ask the police to stop a vehicle that you want to investigate.

Storage

You must make sure the vehicle and its contents are stored securely until it's given back to the owner.

Immediately dispose of a vehicle

You can immediately destroy a vehicle if it'll pollute the environment or be a risk to people's health. You don't need the owner's consent.

You must record the reason that you destroyed the vehicle and tell:

- the Driver and Vehicle Licensing Agency (DVLA)
- your local chief officer of police for the area you seized the vehicle from
- the registered owner

Publish a seizure notice

You must make the following information available to the public for at least 15 days:

- a brief description of the vehicle including its registration number
- the date, time and place you seized the vehicle
- the name of your authority and contact details
- how and when the owner can claim the vehicle and the proof of identity they'll need
- what will happen if the vehicle isn't claimed (eg it'll be sold or destroyed)
- the power that you seized the vehicle under, eg section 5 of the Control of Pollution (Amendment) Act 1989 or section 34B of the Environmental Protection Act 1990

You must put these details on a public notice in your office within 1 day of seizing the vehicle. You must also put these details on your website or in a local print newspaper.

Contact the owner

You must try to tell the owner as soon as possible that you've seized their vehicle. You can do this by email or by post.

If the vehicle is owned by a company, contact the company's secretary or clerk at the registered office.

Contact the finance company too if the vehicle is hire purchase.

Find the owner's details

Contact the DVLA (<https://www.gov.uk/government/organisations/driver-and-vehicle-licensing-agency>) to find the owner's details.

You can also use the Police National Computer to find details of vehicle owners.

Vehicles registered abroad

You must try to contact the owner if the vehicle is registered outside of the United Kingdom. Contact the driving authority for the country the vehicle is registered in.

If someone claims the vehicle

You must allow 15 working days for the owner to claim the vehicle.

If someone contacts you to claim the vehicle, you must tell them within 1 working day of receiving their claim if you need to see additional proof that they own the vehicle - tell them to send it to you within 2 working days.

Tell the claimant you'll agree whether they're the owner or not within 3 working days of receiving their proof of ownership.

Successful claims

You must let the owner collect the vehicle if they show you correct ownership documents and:

- you don't need to keep the vehicle for further investigation
- you're not prosecuting the owner in court

You must tell the owner:

- where the vehicle can be collected from
- they have 10 working days to collect the vehicle before you can sell or destroy it

If nobody claims the vehicle

You can choose to sell or destroy the vehicle.

You must tell:

- the DVLA
- your local chief officer of police for the area you seized the vehicle from
- the registered owner

Waste certificates

You can fine the owner of the vehicle if they don't show you their carrier registration certificate or waste transfer note within 5 working days of you asking for it.

Use a fixed penalty notice (<https://www.gov.uk/guidance/fixed-penalty-notices-issuing-and-enforcement-by-councils>) to issue fines.

Keep the vehicle for investigation

You can keep the vehicle in storage for up to 15 working days if you need to investigate an offence.

Prosecute the vehicle owner

You can prosecute the owner if your investigation showed that the vehicle was used for a waste crime.

You can keep the vehicle during the court process, or you can choose to return it to the owner before the court process has finished.

When returning the vehicle, you must tell the owner:

- where the vehicle can be collected from
- they have 10 working days to collect the vehicle before you can sell or destroy it

Successful prosecution

You can sell or destroy the vehicle if the court decides that the owner has committed a waste crime and must give up the vehicle. This is known as 'forfeiture'.

Recover your costs

You can use any money you get from selling a vehicle to cover your costs of seizing vehicles suspected of waste crime, eg storage costs.

You can also apply to the court to recover your enforcement costs if the owner is convicted, eg legal costs and staffing costs.

Regulations

This guide is based on the Control of Waste (Dealing with Seized Property) (England and Wales) Regulations 2015 (<http://www.legislation.gov.uk/ukxi/2015/426/contents/made>)

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Related content

Policy

- Waste and recycling (<https://www.gov.uk/government/policies/waste-and-recycling>)