

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

NOTICE OF SEIZURE OF PROPERTY

NOTICE IS HEREBY GIVEN THAT the Barnsley Metropolitan Borough Council, the seizure authority, has seized property of the following description:

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| <p>Make/Model/Colour/Description: Ford Transit Tipper, white Registration: YR05 AVV</p> |
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The property was seized at:

| | |
|------------------|---|
| Time: | 14:50 |
| Date: | 3 RD July 2020 |
| Location: | 421 Pontefract Road, Lundwood, Barnsley |

Under the following legal provision: *(Tick relevant provision)*

| | |
|----------|--|
| | Control of Pollution (Amendment) Act 1989, section 5 <i>(transporting controlled waste without being registered)</i> |
| X | Environmental Protection Act 1990, section 34B <i>(breach of duty of care & illegal depositing of waste)</i> |

Additional property seized:

This notice will be displayed at Barnsley Town Hall and on our website:

<https://www.barnsley.gov.uk/services/community-safety-and-crime/vehicle-seizures-for-waste-crimes/> for 15 working days from the date of seizure in accordance with Regulations 7(1)(a) and 8(b) The Control of Waste (Dealing with Seized Property)(England and Wales) Regulations 2015.

Under Section 33(5)EPA90, where controlled waste is carried in and deposited from a motor vehicle, the person who controls or is in a position to control the use of the vehicle shall, be treated as knowingly causing the waste to be deposited whether or not they gave any instructions for this to be done. Therefore as registered keeper you may be prosecuted for this offence. Please find details of defences to this offence overleaf.

Address and contact details to claim entitlement to seized property

Any person who wishes to make a claim over the property must give notice in writing to:
Head of Safer Communities
PO Box 634
Barnsley
S70 9GG

Claim Period

Any claim must be made by

(Being 15 working days after the date of this notice)

Documents required for a valid claim of entitlement

1. Proof of Identification – Valid photocard driving licence or passport
2. Proof of address – (e.g. two different utility bills in the applicant's name no older than 3 months)
3. Vehicle Registration or other proof of ownership documents for seized property
4. Valid insurance and drivers licence to be able to remove the vehicle.
5. Written proof of authority to act as Agent. If acting in a representative capacity (e.g valid power of attorney then items 3 & 4 above and proof of ID and address of **Agent**)

UNCLAIMED PROPERTY

In the event of the following and in accordance with the regulations:

- a) the claim period ending on the above date expires and no claim is made
- b) a claim made on or before the above date is not successful or
- c) the property is no longer required to be retained
- d) proceedings in relation to which the property is seized are discontinued or have ended

The seizure authority may immediately dispose of seized property

ADDITIONAL

The Authority may be of the opinion that it is necessary to retain the seized property for the duration of an investigation or criminal proceedings.

A copy of this notice has been served on the local chief officer of police and in the case of a vehicle the registered keeper.

It will be a defence to a s33(5)EPA90 offence to prove that you:

- took all reasonable precautions and exercised all due diligence to avoid the commission of the offence
- acted under instruction from an employer and had no reason to suppose that an offence was being committed
- acted in an emergency in order to avoid danger to human health and took all reasonably practicable steps to minimise pollution and harm to human health
- reported any acts in an emergency to the relevant authority as soon as possible after the event.