

Enfield Council: Notice of Seizure

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

Seizure Authority Enfield Council

Reference: WK/224030494

Property Seized – Vehicle (van).

Vehicle Registration - FN07 HFK.....Make / Model: Ford Transit – blue diesel.

VIN Number: WF0FXXBDFF6G70775

Brief description- see photograph taken 25/7/24



Photo taken 29/7/24 08:20



Additional property: Vehicle contains items commensurate with waste.

Date of notice: 29/7/2024

Date of seizure: 29/7/2024

Time of seizure: _13__:33__ hours (24 hour format)

Place of Seizure: Tesco, Savoy Parade, Southbury Road, Enfield, EN1 1RT

Legislation enabling seizure (tick relevant legislation)

Section 5 Control of Pollution (Amendment) Act 1989 (transporting controlled waste without being registered)

- ✓ **Sections 34B Environmental Protection Act 1990 (EPA90) (breach of duty of care & illegal depositing of waste)**

This notice will be displayed at our office and on our website: www.enfield.gov.uk until 17 working days from date of seizure notice 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 on page 3.

Address and contact details to claim entitlement to seized property

Enfield Council, Regulatory Services, Waste Enforcement, Civic Centre, Silver Street, Enfield EN1 3 XH - Telephone 0208 379 1000 or 020 8379 5422 - Monday to Friday 10am to 4pm

Please call before attending our offices quoting reference WK/224030494.

Claim period

A valid claim, fully supported by the evidence/documentation set out below, for the above-mentioned property must be made on or before 15 working days from the day after this seizure notice was served.

Documents required for a valid claim of entitlement

1. Proof of I.D. – 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 + items 3 – 4 above and proof of ID and address of Agent)

Successful Claims

Where the above information is provided the registered keeper has 10 working days to collect the vehicle. Failure to do so will result in the vehicle being sold or destroyed.

UNCLAIMED PROPERTY

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

- a) the claim period ending on 19/08/2024 expires and no claim is made,
- b) a claim made on or before 19/08/2024 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 after the last day of the claim period (19/8/2024).

It shall be a defence for a person charged with an offence under this section to prove:

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; **or**
- (b) that the acts alleged to constitute the contravention were done in an emergency in order to avoid danger to human health in a case where:
 - (i) he took all such steps as were reasonably practicable in the circumstances for minimising pollution of the environment and harm to human health; **and**
 - (ii) particulars of the acts were furnished to the waste regulation authority as soon as reasonably practicable after they were done.”

It would also be a defence for the Defendant to prove he was no longer in control of the vehicle at the time of the offence [hire purchase / stolen / sold vehicle] if pursued under s.33 (5).

With regards to the offence under section 5 Control of Pollution Act 1989 the defences are as follows:

“In proceedings against any person for an offence under this section in respect of the transport of any controlled waste it shall be a defence for that person to show:

- (a) that the waste was transported in an emergency of which notice was given, as soon as practicable after it occurred, to the regulation authority in whose area the emergency occurred;
- (b) that he neither knew nor had reasonable grounds for suspecting that what was being transported was controlled waste and took all such steps as it was reasonable to take for ascertaining whether it was such waste.”