

SCHEDULES

SCHEDULE 2

APPLICATIONS AND MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

APPLICATION OF ENACTMENTS

Notice of tests

- 1 Section 30 of the Trade Descriptions Act 1968 (c. 29) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 28(1) of that Act as it applies in relation to items seized in pursuance of that Act.
- 2 Section 31 of the Fair Trading Act 1973 (c. 41) (notice of test) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act as it applies in relation to items seized in pursuance of Part 2 of that Act.
- 3 Section 30(6) and (7) of the Consumer Protection Act 1987 (c. 43) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act as it applies in relation to items seized under section 29 of that Act.
- 4 Article 23(6) and (7) of the Consumer Protection (Northern Ireland) Order 1987 (S.I. 1987 2049 (N.I. 20)) (provision about the testing of seized goods) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order as it applies in relation to items seized under that Article.

Access to seized items

- 5 Subject to section 61 of this Act, section 11(3) of the Estate Agents Act 1979 (c. 38) (access to items seized under that section) shall apply in relation to items seized under section 50 of this Act in reliance on the power of seizure conferred by section 11 of that Act as it applies in relation to items seized under section 11 of that Act.

Compensation for seizure and detention

- 6 Section 32 of the Fair Trading Act 1973 (c. 41) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.

Status: This is the original version (as it was originally enacted).

- 7 Section 163 of the Consumer Credit Act 1974 (c. 39) (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 162(1) of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 162 of that Act.
- 8 Section 34 of the Consumer Protection Act 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by section 29 of that Act, and the retention of those items, as it applies in relation to the seizure and detention of goods under section 29 of that Act.
- 9 Article 26 of the Consumer Protection (Northern Ireland) Order 1987 (compensation for seizure and detention) shall apply in relation to the seizure of items under section 50 of this Act in reliance on the power of seizure conferred by Article 22 of that Order, and the retention of those items, as it applies in relation to the seizure and detention of goods under that Article.

Forfeiture of seized items

- 10 (1) The provisions mentioned in sub-paragraph (2) (which are about the forfeiture etc. of items which have been seized) shall apply in relation to an item seized under section 50 as if the item had been seized under the power of seizure in reliance on which it was seized.
- (2) Those provisions are—
- (a) section 3(3) of the Obscene Publications Act 1959 (c. 66);
 - (b) sections 4(3) and 5 of the Protection of Children Act 1978 (c. 37);
 - (c) Article 5 of the Protection of Children (Northern Ireland) Order 1978 (S.I. 1978 1047 (N.I. 17));
 - (d) sections 7(2) and 24(2) of the Forgery and Counterfeiting Act 1981 (c. 45).

Disclosure of information

- 11 Any provision which—
- (a) restricts the disclosure, or permits the disclosure only for limited purposes or in limited circumstances, of information obtained through the exercise of a power of seizure specified in Part 1 or 2 of Schedule 1, or
 - (b) confers power to make provision which does either or both of those things,
- shall apply in relation to information obtained under section 50 or 51 in reliance on the power in question as it applies in relation to information obtained through the exercise of that power.

Interpretation

- 12 For the purposes of this Part of this Schedule, an item is seized, or information is obtained, under section 50 or 51 in reliance on a power of seizure if the item is seized, or the information obtained, in exercise of so much of any power conferred by that section as is exercisable by reference to that power of seizure.