
STATUTORY INSTRUMENTS

2002 No. 2786

The Air Navigation (Dangerous Goods) Regulations 2002

PART VIII

Documents and Records, Enforcement Powers and General

Powers in relation to enforcement of the Regulations

18.—(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

- (a) (3) (a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the CAA considers necessary in all the circumstances and shall be disposed of in such manner as the CAA considers appropriate in all the circumstances.
- (b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively:
 - (i) for use as evidence at a trial for an offence; or
 - (ii) for forensic examination or for investigation in connection with an offence.
- (a) (4) (a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the CAA for the item to be released to him.
- (b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
- (c) The function of deciding a case where such an application as is referred to in sub-paragraph (a) has been made is hereby prescribed for the purposes of section 7(1) of the Civil Aviation Act 1982: and for the purpose of making any decision in such a case a quorum of the CAA shall be one member.
- (d) Where the CAA is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings it shall arrange for the goods concerned to be returned to the applicant.

(5) Where further retention of goods is, in the opinion of the CAA no longer necessary and no application has been made under paragraph (4) or any such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the CAA.