



Maidstone Borough Council Act 2006

2006 CHAPTER iv

5 Street trading: seizure

- (1) Subject to the following provisions of this section, if on or after the appointed day an authorised officer or a constable has reasonable grounds for suspecting that a person has committed a relevant offence, the authorised officer or constable may seize—
 - (a) any article in relation to which he suspects an offence has been committed and which is being offered or exposed for sale or displayed; or
 - (b) any other article which—
 - (i) is in the possession of or under the control of any person who is offering or exposing for sale or displaying an article; and
 - (ii) which is of a similar nature to the article being offered or exposed for sale or displayed, as the case may be; or
 - (c) any receptacle or equipment being used by that person.
- (2) No article, receptacle or equipment shall be seized under subsection (1) above unless the conditions of subsection (3) below apply.
- (3) The conditions are that the article, receptacle or equipment—
 - (a) may be—
 - (i) required to be used in evidence in any proceedings in respect of the suspected offence; or
 - (ii) the subject of forfeiture under section 7 (forfeiture of seized items) of this Act; and
 - (b) in the case of an article is not of a perishable nature.
- (4) An authorised officer shall produce his authority if required to do so by the person having care or control of anything seized in pursuance of the powers in subsection (1) above.
- (5) An authorised officer or a constable shall, forthwith after seizing any article, receptacle or equipment under subsection (1) above, give to the person from whom the article, receptacle or equipment was seized a certificate containing the following information—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) the name and address of the person who the authorised officer or constable suspects has committed the suspected offence;
 - (b) if different from the name and address of the person mentioned in paragraph (a) above, the name and address of the owner of the article, receptacle or equipment;
 - (c) the type of article, receptacle or equipment seized; and
 - (d) information about subsection (2) of section 7 (forfeiture of seized items) of this Act.
- (6) If an authorised officer or constable is unable, after reasonable inquiry of the person who he suspects has committed the suspected offence, to ascertain the name or address of—
- (a) that person; or
 - (b) the owner of the article, receptacle or equipment,
- or has reasonable cause to suspect that a name or address provided to him is incorrect, he need not comply with paragraph (a) or (b), as the case may be, of subsection (5) above.
- (7) The authorised officer or constable shall, before the end of the period of 14 days beginning with the date of seizure, give or serve a copy of the certificate to or on any person who is named on the certificate under paragraph (b) of subsection (5) above at the address shown on the certificate.