



Maidstone Borough Council Act 2006

2006 CHAPTER iv

6 Return and disposal of seized items

- (1) The following provisions of this section shall have effect where any article, receptacle or equipment is seized under subsection (1) of section 5 (street trading: seizure) of this Act and references in those provisions to proceedings are to proceedings in respect of the alleged offence in relation to which the article, receptacle or equipment is seized.
- (2) Subject to subsections (3) to (6) below, following the conclusion of the proceedings the article, receptacle or equipment shall be returned to the person from whom it was seized unless—
 - (a) the court orders it to be forfeited under section 7 (Forfeiture of seized items) of this Act; or
 - (b) any award of costs to the council by the court, which may include removal, return and storage costs, have not been paid within 28 days of the making of the order.
- (3) If—
 - (a) at the end of the period of 56 days beginning with the date of seizure—
 - (i) no proceedings have been instituted; or
 - (ii) any proceedings instituted within that period have been discontinued;or
 - (b) at any time after the end of that period any such proceedings are discontinued, the article, receptacle or equipment shall, at the appropriate time, be returned to the person from whom it was seized unless it has not proved possible, after diligent enquiry, to identify that person and ascertain his address.
- (4) In subsection (3) above, “the appropriate time” means—
 - (a) in the case of paragraph (a), the end of the period of 56 days mentioned in that paragraph;
 - (b) in the case of paragraph (b), the time when proceedings are discontinued.
- (5) Where the article, receptacle or equipment is not returned because it has not proved possible to identify the person from whom it was seized and ascertain his address, the council or the chief constable (whether the article or thing was seized by an authorised

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officer or a constable) may apply to a magistrates' court for an order as to the manner in which it should be dealt with.

- (6) Where after the expiry of the period of 28 days mentioned in subsection (2)(b) above, any costs awarded by the court to the council have not been paid to the council in full—
- (a) the article, receptacle or equipment may be disposed of in any way the council thinks fit; and
 - (b) any sum obtained by the council in excess of the costs awarded by the court shall be paid to the person to whom the article, receptacle or equipment belongs.
- (7) When any article, receptacle or equipment is disposed of by the council under subsection (6) above the council shall secure the best possible price which can reasonably be obtained for it.