



# London Local Authorities Act 2007

## 2007 CHAPTER ii

### PART 3

#### LICENSING

### CHAPTER 2

#### STREET TRADING

#### *London Local Authorities Act 1990*

#### 46 Motor vehicles

After section 38A (seizure of perishable items) of the Act of 1990 (inserted by section 45 (seizure of perishable items of this Act) the following section is inserted—

**“Motor vehicles**

- (1) Subsection (4) below applies where the following conditions are met.
- (2) The first condition is that where, in ascertaining the identity of the person from whom a vehicle was seized under subsection (4) or (4A) of section 38 (unlicensed street trading) of this Act, a borough council has, before the expiry of 14 days from the date of the seizure, made a request to the Secretary of State for the supply of relevant particulars.
- (3) The second condition is that those particulars have not been supplied to the council before the date after which that council would, but for this section, have to return the vehicle in accordance with subsection (4C)(e) of that section.
- (4) Where this subsection applies, the council must return the vehicle to its owner if—

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**Status:** This is the original version (as it was originally enacted).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

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- (a) no proceedings are instituted in respect of the alleged offence in respect of which the vehicle was seized before the expiry of the period of 14 days beginning with the date on which the relevant particulars are supplied; or
  - (b) any such proceedings instituted within that period are discontinued, at the expiry of that period or on the discontinuance of the proceedings, as the case may be.
- (5) If the council seeks to return a vehicle in accordance with the said subsection (4C)(e) or subsection (4), but the person to whom the council seeks to return the vehicle cannot be found or disclaims or refuses to accept the vehicle, the council may make a complaint for a disposal order in respect of the vehicle under section 38C (disposal orders) of this Act.
- (6) In this section, “relevant particulars” are particulars relating to the identity of the owner of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under the Vehicle Excise and Registration Act 1994 (c. 22).
- (7) The owner of a vehicle for the purposes of this section shall be taken to be the person by whom the vehicle is kept.
- (8) In determining who was the owner of a motor vehicle at any time, it shall be presumed that the owner is the person in whose name the vehicle is at that time registered under the Vehicle Excise and Registration Act 1994.”.