



London Local Authorities and Transport for London Act 2008

2008 CHAPTER iii

PART 5

NON-PAYMENT OF PENALTY CHARGES

18 Disposal of removed vehicles and contents

- (1) Subject to the provisions of this section, the custodian of a vehicle delivered to him as mentioned in subsection (4) of section 17 (immobilisation and removal of vehicles) of this Act may dispose of the vehicle and its contents (if any) by selling them or dealing with them as scrap, as he thinks fit.
- (2) Where the owner of a vehicle has disclaimed all rights of ownership of a vehicle and any contents, they may be disposed of pursuant to this section at any time.
- (3) In a case not falling within subsection (2) above, a vehicle or its contents shall not be disposed of pursuant to this section—
 - (a) before the end of the relevant period; and
 - (b) until the custodian has, for the purpose of ascertaining the owner of the vehicle, taken such of the steps specified in subsection (5) below as are applicable to the vehicle; and
 - (c) either—
 - (i) he has failed to ascertain the name and address of the owner; or
 - (ii) the owner has failed to comply with a notice complying with subsection (6) below served on him by post or such other means as may be agreed by the parties.
- (4) In subsection (3) above, the “relevant period” means—
 - (a) in the case where subsection (2) of the said section 17 applies, the period of eight weeks beginning with the date on which the vehicle was removed as mentioned in subsection (4) of that section;

Status: This is the original version (as it was originally enacted).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

- (b) in the case where subsection (3) of the said section 17 applies, the period of five weeks beginning with that date.
- (5) The steps referred to in subsection (3)(b) above are—
- (a) if the vehicle carries a United Kingdom registration mark, the custodian shall ascertain from the records kept by the Secretary of State under the Vehicle Excise and Registration Act 1994 (c. 22) the name and address of the person by whom the vehicle is kept;
 - (b) if the vehicle does not carry such a registration mark, the custodian shall make such inquiries as appear to him to be practicable to ascertain the identity of the owner of the vehicle.
- (6) A notice under subsection (3)(c)(ii) above shall be a notice addressed to the owner which—
- (a) states—
 - (i) the outstanding penalty charges payable in respect of the vehicle;
 - (ii) the registration mark and make of the vehicle;
 - (iii) the place where the vehicle was found before it was removed;
 - (iv) the place to which the vehicle has been removed;
 - (v) the steps to be taken to obtain possession of the vehicle with its contents (if any) in accordance with section 19 (taking possession of a vehicle) of this Act;
 - (vi) that unless the vehicle with its contents (if any) is removed by the owner before the expiry of the period mentioned in paragraph (b) below, the custodian intends to dispose of it; and
 - (b) requires the owner to remove the vehicle from the custody of the custodian before the expiry of the period of 21 days beginning with the date on which the notice was served.
- (7) The custodian shall be entitled to treat the registered keeper of the vehicle as the person entitled to its contents unless and to the extent that some other person satisfies him of his claim to all or part of them.
- (8) Where there is more than one claim to the vehicle or its contents, the custodian shall determine which person is entitled to the vehicle or its contents on the basis of the evidence provided to him.