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SCHEDULES

SCHEDULE 1

Section 11

MINOR AND CONSEQUENTIAL AMENDMENTS TO CITY OF WESTMINSTER ACT 1999

Offences

- 1 In paragraph (b) of section 24 (offences) after "temporary licence" insert "or in completing a notice in accordance with subsection (4) of section 27B (seizure: notices) of this Act".

Seizure

- 2 In new section 27A (seizure)—
- (a) in subsection (1) (as numbered by section 26(6))—
 - (i) for "this section" substitute "section 27 (unlicensed street trading) of this Act";
 - (ii) for "subsection (9) below" substitute "section 27E (forfeiture of seized items by court) of this Act";
 - (b) in subsection (4) (as numbered by section 26(8)), for "subsections (5) and (6)" substitute "subsections (1) to (3)".
- 3 In new section 27C (return of seized items)—
- (a) in subsection (2) (as numbered by section 26(11))—
 - (i) for "paragraph (f)" substitute "subsection (6)";
 - (ii) for "article or thing" substitute "item";
 - (iii) for "subsection (9) below" substitute "section 27E (forfeiture of seized items by the court) of this Act";
 - (b) in subsection (3) (as so numbered), for "article or thing" in all four places substitute "item";
 - (c) in subsection (4) (as so numbered)—
 - (i) for "sub-paragraph (e)" substitute "subsection (5)";
 - (ii) for "subsection (5) above" substitute "subsection (1) of the said section 27A";
 - (d) in subsection (5) (as so numbered), for "Sub-paragraph (d)" substitute "Subsection (4)";
 - (e) in subsection (6) (as so numbered), at the beginning insert "Subject to subsection (8) below,";
 - (f) in subsection (7) (as so numbered)—
 - (i) for "Paragraph (h)" substitute "Subsection (8)";
 - (ii) for "article, thing, receptacle or equipment" substitute "item";
 - (g) in subsection (8) (as so numbered)—
 - (i) for "paragraph" substitute "subsection";

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(ii) for "section 27C" substitute "section 27I".

Forfeiture

- 4 In new section 27E (forfeiture of seized objects by court)—
- (a) in subsection (1) (as numbered by section 26(13)—
 - (i) for "subsection (10)" substitute "subsection (2)";
 - (ii) for "this section" where it appears the first time substitute "section 27 (unlicensed street trading) of this Act";
 - (iii) for "this section" where it appears the second time substitute "that section";
 - (b) in subsection (2) (as so numbered)—
 - (i) for "subsection (9)" substitute "subsection (1)"; and
 - (ii) renumber paragraphs (i) and (ii) as (a) and (b);
 - (c) in subsection (3) (as so numbered) for "this section" substitute "the said section 27".

Compensation

- 5 In new section 27F (compensation)—
- (a) in subsection (1) (as numbered by section 26(14)—
 - (i) for "This subsection" substitute "This section";
 - (ii) in paragraph (a) (as so numbered) for "article, thing, receptacle or equipment" substitute "item";
 - (iii) in paragraph (a) (as so numbered) for "subsection (5) or (6) above" substitute "subsections (1) to (3) of section 27A (seizure) of this Act";
 - (iv) in paragraph (b)(i) (as so numbered) for "this section" substitute "section 27 (unlicensed street trading)";
 - (b) in subsection (2) (as so numbered)—
 - (i) for "subsection" substitute "section";
 - (ii) for "article, thing, receptacle or equipment" substitute "item";
 - (c) in subsection (3) (as so numbered)—
 - (i) for "paragraph (b)" substitute "subsection (2)";
 - (ii) for "subsection (5) or (6)" substitute "subsections (1) to (4) of section 27A (seizure) of this Act".

Seizure of perishable items

- 6 In section 27G (as renumbered by section 26(16))—
- (a) in subsection (1)—
 - (i) for "article or thing" substitute "item" in both places where those words appear;
 - (ii) for "subsection (5) of section 27 (unlicensed street trading)" substitute "subsection (1) of section 27A (seizure)";
 - (b) in subsection (2)—
 - (i) for "subsection (5)" where it appears the first time substitute "subsection (1)";

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- (ii) for "subsection (5)" where it appears the second time substitute "subsection (3)";
- (iii) for "subsection (10) of the said section 27" substitute "subsection (2) of section 27E (forfeiture of seized items by court) of this Act";
- (c) in subsection (5)—
 - (i) for the words from the beginning to "section 27" substitute "Subsections (1) to (4) of section 27C (return of seized items) and subsections (1) to (3) of section 27E (forfeiture of seized items by court) of this Act";
 - (ii) for "that section" substitute "section 27A (seizure) of this Act";
 - (iii) for "article or thing" in both places substitute "item".
- (d) in subsection (6)—
 - (i) for the words from the beginning to "section 27" substitute "Subsections (6) to (8) of the said section 27C";
 - (ii) for "that section" substitute "the said section 27A";
 - (iii) for "article or thing" substitute "item";
 - (iv) for "paragraph (f)" substitute "subsection (6)";
- (e) in subsection (7)—
 - (i) for "Subsection (11) of the said section 27" substitute "Section 27F (compensation) of this Act";
 - (ii) for "paragraph (c)" substitute "subsection (3)";
 - (iii) for "that section" where it appears the first time substitute "the said section 27A";
 - (iv) for "paragraph (a)(ii)(A) or (B)" substitute "subsection (1)(b) of the said section 27F";
- (f) in subsection (8)—
 - (i) for "article or thing" substitute "item";
 - (ii) for "subsection (4)" substitute "subsection (3)";
- (g) in subsection (10) for "the said section 27" substitute "section 27 (unlawful street trading) of this Act";
- (h) in subsection (11) leave out "borough".

Motor vehicles

- 7 In section 27H (as renumbered by section 26(17))—
- (a) in subsection (2) for "subsection (5) or (6) of section 27 (unlicensed street trading)" substitute "subsection (1) or (2) of section 27A (seizure)";
 - (b) in subsection (3) for "subsection (8)(f) of that section" substitute "subsection (6) of section 27C (return of seized items) of this Act";
 - (c) in subsection (5) for "subsection (5) or subsection (6)" substitute "subsection (1) or subsection (2)".

Disposal orders

- 8 In section 27I (as renumbered by section 26(18))—
- (a) for subsection (1) substitute—

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- “(1) This section applies in respect of a complaint made by the council for a disposal order under—
- (a) subsection (6)(a) of section 27B (seizure: notices) of this Act;
 - (aa) subsection (8) of section 27C (return of seized items) of this Act; or
 - (ab) subsection (3) of section 27D (disposal of seized objects by the council) of this Act; or
 - (b) subsection (5) of section 27H (motor vehicles) of this Act, and items that are the subject of the complaint are referred to as "seized items" in this section.”;
- (b) in subsection (2) omit "complainant";
- (c) in subsection (3) for "article, thing, receptacle or equipment" substitute "seized item".