



Maidstone Borough Council Act 2006

2006 CHAPTER iv

8 Compensation where seizure unlawful

- (1) Subsection (2) below shall have effect where—
- (a) any article, receptacle or equipment is seized under subsection (1) of section 5 (street trading: seizure) of this Act; and
 - (b) any of the following applies—
 - (i) not less than six months have passed since the date of the seizure and no information has been laid against any person for a relevant offence in respect of the act or circumstances which occasioned the seizure;
 - (ii) proceedings for a relevant offence have been brought and the person charged has been acquitted (whether or not on appeal) and the time for appealing against or challenging the acquittal (where applicable) has expired without an appeal or challenge being brought;
 - (iii) proceedings for a relevant offence have been brought and the proceedings (including any appeal) have been withdrawn by, or have failed for want of prosecution by, the person by whom the proceedings were brought.
- (2) Where this subsection has effect a person who has or at the time of seizure had a legal interest in the article, receptacle or equipment seized may recover compensation from the council or (where it is seized by a constable) the chief constable by civil action in the county court in respect of any loss suffered by him as a result of the seizure.
- (3) The court may only make an order for compensation under subsection (2) above if satisfied that seizure was not lawful under section 5 (street trading: seizure) of this Act.