



# London Local Authorities Act 2007

## 2007 CHAPTER ii

### PART 3

#### LICENSING

### CHAPTER 2

#### STREET TRADING

*City of Westminster Act 1999*

## 59 Disposal orders

- (1) After section 27B (motor vehicles) of the Act of 1999 (inserted by section 58 (motor vehicles) of this Act) the following section is inserted—

### “Disposal orders

- (1) This section applies in respect of a complaint made by a borough council for a disposal order in respect of—

- (a) an article or thing under subsection (8)(h) of section 27 (unlicensed street trading) of this Act; or
- (b) a motor vehicle under subsection (5) of section 27B (motor vehicles) of this Act,

and such articles, things and motor vehicles are together referred to as “seized items” in this section.

- (2) On a complaint to which this section applies, a magistrates' court if satisfied that the council has made reasonable efforts to identify the person from whom the seized item was seized or its owner, as the case may be, or has made reasonable efforts to return the seized item, may make an order authorising the complainant council—

---

*Status: This is the original version (as it was originally enacted).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

---

- (a) to dispose of the seized item in question; and
  - (b) after payment out of any proceeds arising from the disposal of the expenses incurred in the seizure, storage and disposal, to apply the balance, if any, towards the costs of the council as mentioned in paragraphs (a) to (d) of subsection (2) of section 22 (fees and charges) of this Act.
- (3) The court shall not make a disposal order under subsection (2) above where a person claiming to be the owner of or otherwise interested in the article, thing, receptacle or equipment applies to be heard by the court, unless an opportunity has been given to him to show cause why the order should not be made.
- (4) Subsection (5) below applies where—
  - (a) a person appears before the court under subsection (3) above to show why the order should not be made; and
  - (b) the court makes an order under subsection (2) above authorising the council to dispose of the item; and
  - (c) the seized item in question is not of sufficient value to defray the expenses of seizing and storing it; and
  - (d) the court is satisfied that the person mentioned in paragraph (a) above was the owner of the seized item in question or was the person from whom it was seized, as the case may be.
- (5) Where this section applies, the court may order that the person mentioned in subsection (4)(a) above pay the expenses, or the balance of the expenses, reasonably incurred by the council in seizing and storing the seized item in question.
- (6) In considering whether to make an order under subsection (2) above a court shall have regard—
  - (a) to the value of the seized item;
  - (b) to the likely financial and other effects on the offender of the making of the order (taken together with any other order that the court contemplates making); and
  - (c) any other circumstances considered to be relevant.
- (7) The court may make a disposal order under this section notwithstanding that the value of the seized item would exceed the maximum penalty for the offence in respect of which the seized item had originally been seized had the said offence been prosecuted to conviction.
- (8) For the purposes of this section, “owner” in respect of a vehicle, has the same meaning as it has for the purposes of the said section 27B.”