



London Local Authorities and Transport for London Act 2008

2008 CHAPTER iii

PART 5

NON-PAYMENT OF PENALTY CHARGES

19 Taking possession of a vehicle

- (1) A person (“the claimant”) may take possession of a vehicle (with its contents) which has been removed and delivered to a custodian and has not been disposed of under section 18 (disposal of removed vehicles and contents) of this Act, if the conditions specified in subsection (2), (3) or (9) below are satisfied.
- (2) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (2) of section 17 (immobilisation and removal of vehicles) of this Act applied; and the claimant—
 - (a) provides his name and address;
 - (b) provides satisfactory and verifiable proof of his name and address;
 - (c) provides the name and address of the owner of the vehicle (if it is not him); and
 - (d) satisfies the custodian that—
 - (i) he is the owner of the vehicle; or
 - (ii) he is authorised by the owner to take possession of the vehicle.
- (3) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (2) of the said section 17 applied; and
 - (a) the claimant provides his name and address;
 - (b) the claimant satisfies the custodian that —
 - (i) he is the owner of the vehicle; or
 - (ii) that he is authorised by the owner to take possession of the vehicle;
 - (c) a bond in the prescribed sum is paid to the authorised person or to one of the London authorities specified by him and by whom he is authorised; and

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- (d) no bond has previously been paid under this subsection in respect of the outstanding penalty charges.
- (4) If a bond is paid to an authorised person or a London authority in accordance with subsection (3)(b) above, the authorised person shall issue to the claimant a certificate in the prescribed form, stating—
- (a) that the certificate is issued under this section;
 - (b) the date on which the certificate was issued;
 - (c) the registered mark of the vehicle;
 - (d) the date on which the certificate expires;
 - (e) the effect of subsection (5) below;
 - (f) the contact details of the London authority to whom information should be provided to satisfy the provisions of subsection (7) below.
- (5) If a certificate issued under subsection (4) above is being displayed prominently in or on the vehicle to which it relates on or before the date on which it expires—
- (a) no immobilisation device may be fixed to the vehicle under section 15 (preliminary procedure where ownership details not known) of this Act; and
 - (b) the vehicle may not be immobilised or removed under the said section 17.
- (6) A certificate issued under subsection (4) above shall expire at the end of the period of 21 days beginning with the date on which it was issued.
- (7) If the London authority referred to in subsection (4)(f) above is provided with satisfactory and verifiable proof of the name and address of the owner of the vehicle, the London authority shall return the bond to the person by whom it was paid and no further action may be taken in relation to the vehicle under this section in relation to the outstanding penalty charges in question.
- (8) The guidance that shall be published under section 25 (guidance) of this Act shall include provision about what may constitute “satisfactory and verifiable proof” for the purposes of subsections (2)(b) and (7) above.
- (9) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (3) of the said section 17 applied; and
- (a) the claimant satisfies the custodian that—
 - (i) he is the owner of the vehicle; or
 - (ii) he is authorised by the owner to take possession of the vehicle;
 - (b) all penalty charges in respect of the vehicle and which were outstanding at the time that the vehicle was removed under the said section 17 are paid to the relevant authority; and
 - (c) any charges in respect of the removal, storage or release from storage of the vehicle are paid.
- (10) A person shall be guilty of an offence if—
- (a) in providing proof under subsection (2) or (7) above he—
 - (i) makes any statement which he knows is false in a material particular;
 - or
 - (ii) recklessly makes a statement which is false in a material particular;
 - (b) he displays in or on a vehicle a false certificate, purportedly issued under subsection (4) above.

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- (11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) Section 22 (issue of penalty charge notices, etc. on release or recovery of vehicle) of this Act makes provision about the service of fresh penalty charge notices and notices to owner after possession has been taken of a vehicle under this section.