



London Local Authorities Act 2012

2012 CHAPTER ii

PART 4

LICENSING

Street trading in the London Borough of Camden

16 Return and disposal of seized objects by Council

- (1) Subsection (4C)(a) of section 38 of the Act of 1990 (unlicensed street trading) shall apply as respects the Council as though after "subsection (4) above" the words "(except where notice is given under section 15(2)(a) of the London Local Authorities Act 2012 (seizure: notices))" were inserted.
- (2) The Council may, in such manner as they think fit, dispose of—
 - (a) any relevant item (within the meaning of section 15) seized under subsection (4) or (4A) of section 38 of the Act of 1990 (unlicensed street trading) if—
 - (i) in respect of the alleged offence in question, a fixed penalty is paid in accordance with section 16 of the London Local Authorities Act 2004 before the expiry of the period mentioned in subsection (2) of that section; and
 - (ii) the fixed penalty notice contained or was accompanied by written notice that the recipient could require the Council on or before the time when the fixed penalty was paid to make a complaint for a disposal order under section 38C of the Act of 1990 (disposal orders) in respect of the relevant item in question; and
 - (iii) no such requirement was made of the Council on or before that time; or
 - (b) any such relevant item seized under subsection (4) or (4A) or under section 14 if a notice was given under section 15 as soon as reasonably practicable after the article or thing was seized and the notice was not completed and returned to the Council in accordance with subsections (4) and (5) 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Status: This is the original version (as it was originally enacted).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.

- (3) The Council may recover their costs of disposing of a relevant item under subsection (2) above from the person from whom the object was seized.
- (4) Where a requirement of the sort mentioned under subsection (2)(a)(ii) was made on or before the time when the fixed penalty was paid, the Council must make a complaint for a disposal order under section 38C of the Act of 1990 (disposal orders) in respect of the relevant item in question.
- (5) Subsection (8)(a)(i) of section 38 shall apply as respects the Council as though at the end the words "or under section 14 (seizure of certain objects) of the London Local Authorities Act 2012" were inserted.
- (6) In addition to the alternative requirements as set out in subsection (8)(a)(ii)(A) and (B) of section 38, one of which must be satisfied before compensation may be recovered under that subsection, the following alternative requirement is added in relation to the Council—
- “(C) (in the case of a relevant item (within the meaning of section 15 (seizure: notices) of the London Local Authorities Act 2012) seized under section 14 of that Act) the council has failed to comply with subsection (6) of the said section 15.”.
- (7) Section 38C of the Act of 1990 (disposal orders) shall apply as respects the Council as though in subsection (1) the following paragraph were inserted after paragraph (b)—
- “”; or
- (ba) a relevant item under subsection (3) of section 16 (return and disposal of seized objects by Council) of the London Local Authorities Act 2012,”.