



London Local Authorities Act 2007

2007 CHAPTER ii

PART 2

PUBLIC HEALTH AND THE ENVIRONMENT

Advertising: seizure and forfeiture

14 Return and disposal of seized items

- (1) The following provisions of this section shall have effect where any relevant object is seized under subsection (1) of section 13 (advertising: seizure) of this Act and references in those provisions to proceedings are to proceedings in respect of the alleged offence in relation to which the relevant object is seized.
- (2) Subject to subsections (3) to (6) below, following the conclusion of the proceedings the relevant object shall be returned to the person from whom it was seized unless—
 - (a) the court orders it to be forfeited under section 16 (forfeiture of seized items) of this Act; or
 - (b) any award of costs to the council by the court, which may include removal, return and storage costs, have not been paid within 28 days of the making of the order.
- (3) If—
 - (a) at the end of the period of 56 days beginning with the date of seizure—
 - (i) no proceedings have been instituted; or
 - (ii) any proceedings instituted within that period have been discontinued; or
 - (b) at any time after the end of that period any such proceedings are discontinued, the relevant object shall, at the appropriate time, be returned to the person from whom it was seized unless it has not proved possible, after diligent enquiry, to identify that person and ascertain his address.
- (4) In subsection (3) above, “the appropriate time” means—

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- (a) in the case of paragraph (a), the end of the period of 56 days mentioned in that paragraph;
 - (b) in the case of paragraph (b), the time when proceedings are discontinued.
- (5) Where the relevant object is not returned because it has not proved possible to identify the person from whom it was seized and ascertain his address or because the person from whom it was seized or the owner has disclaimed or refused to accept it—
- (a) a magistrates' court may make an order as to the manner in which it should be dealt with (in the case where proceedings for an offence under this section have been commenced in relation to the article or thing); or
 - (b) the council or the Police Commissioner may make a complaint to the magistrates' court for a disposal order under section 15 (disposal orders) of this Act (whether or not such proceedings have been commenced).
- (6) Where after 28 days any costs awarded by the court to the council have not been paid to the council in full—
- (a) the relevant object may be disposed of in any way the council thinks fit; and
 - (b) any sum obtained by the council in excess of the costs awarded by the court shall be returned to the person to whom the relevant object belongs.
- (7) When any relevant object is disposed of by the council under subsection (6) above the council shall have a duty to secure the best possible price which can reasonably be obtained for it.