



# Local Government (Miscellaneous Provisions) Act 1982

## 1982 CHAPTER 30

### PART XII

#### MISCELLANEOUS

#### **41 Lost and uncollected property.**

- (1) This section has effect where—
- (a) property comes into the possession of a local authority after being found on buildings or premises owned or managed by them; or
  - (b) property which has been deposited with a local authority is not collected from them in accordance with the terms under which it was deposited.
- (2) Where—
- (a) property is found on any building or premises owned or managed by a local authority; and
  - (b) it is subsequently handed over to the authority,
- any right of possession of the property which was vested in a person by virtue of its having been found is extinguished.
- (3) If—
- (a) the local authority gives the owner or, as the case may be, the depositor of the property notice in writing—
    - (i) that they require him to collect the property by a date specified in the notice; and
    - (ii) that if he does not do so the property will vest in the local authority on that date; and
  - (b) he fails to comply with the notice,
- the property shall vest in the local authority on the specified date.

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*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Section 41. (See end of Document for details)*

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- (4) The date to be specified in a notice under subsection (3) above shall be not less than one month from the date of the notice.
- (5) Where it appears to the local authority, on the date when property comes into their possession as mentioned in paragraph (a) of subsection (1) above, that it is impossible to serve a notice under subsection (3) above, the property shall vest in the authority one month from that date.
- (6) Where the local authority are satisfied after reasonable inquiry that it is impossible to serve a notice under subsection (3) above in relation to any property, it shall vest in them six months from the relevant date.
- (7) Where—
- (a) any property is of a perishable nature; or
  - (b) to look after it adequately would involve the local authority in unreasonable expense or inconvenience,
- the authority may sell or otherwise dispose of it at such time and in such manner as they think fit.
- (8) Where property is sold or otherwise disposed of under subsection (7) above—
- (a) any person to whom the property is transferred shall have a good title to it; and
  - (b) any proceeds of sale shall vest in the local authority on the day when the property would have vested in them under this section if it had not been sold.
- (9) Where any property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above vests in the authority under this section, the authority may give the whole or any part of the property to the person through whom it came into their possession.
- (10) Where the proceeds of sale of property which came into the possession of a local authority as mentioned in the said paragraph (a) vest in the authority under this section, the authority may make a payment not exceeding the value of the property to the person through whom it came into their possession.
- (11) Where property is claimed by its owner or depositor before it vests in a local authority under this section, he may collect it on payment to the local authority of any sum which they require him to pay in respect of costs incurred by them—
- (a) in making inquiries for the purposes of this section or serving any notice under subsection (3) above; and
  - (b) in looking after the property adequately.
- (12) This section shall not apply to any property which is found—
- (a) on an aerodrome or in an aircraft on an aerodrome;
  - (b) in a public service vehicle; or
  - [<sup>F1</sup>(c) on any premises belonging to or under the control of Transport for London or of any of its subsidiaries (within the meaning of the Greater London Authority Act 1999).]
- (13) In this section—
- “aerodrome” has the meaning assigned to it by section 28(1) of the <sup>M1</sup> Civil Aviation Act 1968;
- “local authority” means—

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- (a) a local authority as defined in section 270(1) of the <sup>M2</sup>Local Government Act 1972; and
  - (b) a board constituted in pursuance of [<sup>F2</sup>section 2 of the Town and Country Planning Act <sup>M3</sup>1990]<sup>F3</sup> ...; and
  - (bb) [<sup>F4</sup>the Broads Authority; and]
  - (c) the Common Council of the City of London; [<sup>F5</sup>and
  - (ca) [<sup>F6</sup>a police and crime commissioner; and]
  - (caa) [<sup>F6</sup>the Mayor's Office for Policing and Crime; and.]
  - (cb) <sup>F7</sup> .....
  - (d) <sup>F8</sup> .....
  - (e) a joint authority established by Part IV of the Local Government Act 1985;
  - (eza) [<sup>F9</sup>an economic prosperity board established under section 88 of the Local Democracy, Economic Development and Construction Act 2009;
  - (ezb) a combined authority established under section 103 of that Act;]
  - (ezba) [<sup>F10</sup>a combined county authority established under section 9(1) of the Levelling-up and Regeneration Act 2023;]
  - (ezc) [<sup>F11</sup>a fire and rescue authority created by an order under section 4A of the Fire and Rescue Services Act 2004;]
  - (ea) <sup>F12</sup> ... [<sup>F13</sup>and
  - (f) [<sup>F14</sup>the London Fire Commissioner;]]
- “public service vehicle” has the meaning assigned to it by section 1 of the <sup>M4</sup>Public Passenger Vehicles Act 1981;
- “the relevant date” means—
- (a) in relation to property which came into the possession of a local authority as mentioned in paragraph (a) of subsection (1) above, the date when it came into their possession; and
  - (b) in relation to uncollected property,—
    - (i) the date when the local authority accepted custody of it; or
    - (ii) the date when the period for which it was deposited with them expired,
- whichever is the later.

#### Textual Amendments

- F1** S. 41(12)(c) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\)](#), art. 1(1), **Sch. 1 para. 11**
- F2** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 56(3)**
- F3** Words in s. 41(13) repealed (1.4.1997) by [1995 c. 25, s. 120\(3\)](#), **Sch. 24** (with ss. 7(6), 115, 117); [S.I. 1996/2560](#), art. 2, **Sch.**
- F4** Words in s. 41(13) inserted by [Norfolk and Suffolk Broads Act 1988 \(c. 4, SIF 81:1\)](#), ss. 21, 23(2), 27(2), **Sch. 6 para. 23(2)**
- F5** Words in s. 41(3) inserted by [Local Government Act 1985 \(c. 51, SIF 81:1\)](#), s. 84, **Sch. 14 Pt. II para. 61(b)**
- F6** Words in s. 41(13) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), s. 157(1), **Sch. 16 para. 157**; [S.I. 2011/3019](#), art. 3, Sch. 1 (with Sch. 2 para. 45)

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- F7** Words in s. 41(13) repealed (1.4.2002) by 2001 c. 16, ss. 128, 137, Sch. 6 Pt. 2 para. 40, **Sch. 7 Pt. 5(1)**; S.I. 2002/344, **art. 3**
- F8** Words in s. 41(13) repealed by Education Reform Act 1988 (c. 40, SIF 41:1), ss. 231(7), 235(6), 237(2), **Sch. 13 Pt. I**
- F9** Words in s. 41(13) inserted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), **Sch. 6 para. 56(3)**; S.I. 2009/3318, art. 2(c)
- F10** Words in s. 41(13) inserted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2) (c), **Sch. 4 para. 72** (with s. 247)
- F11** Words in s. 41(13) inserted (31.1.2017 for specified purposes, 3.4.2017 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 1 para. 46**; S.I. 2017/399, reg. 2, **Sch. para. 38**
- F12** Words in s. 41(13) omitted (26.5.2015) by virtue of Deregulation Act 2015 (c. 20), s. 115(7), **Sch. 13 para. 6(16)(c)**; S.I. 2015/994, art. 6(g)
- F13** Words in s. 41(13) inserted (3.7.2000) by 1999 c. 29, s. 328(8), **Sch. 29 Pt. I para. 36** (with Sch. 12 para. 9(1)); S.I. 2000/1094, **art. 4(a)(h)**
- F14** Words in s. 41(13) substituted (31.1.2017 for specified purposes, 1.4.2018 in so far as not already in force) by Policing and Crime Act 2017 (c. 3), s. 183(1)(5)(e), **Sch. 2 para. 67**; S.I. 2018/227, **reg. 4(c)**

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#### Modifications etc. (not altering text)

- C1** S. 41 amended by Local Government Act 1985 (c. 51, SIF 81:1), s. 57(7), **Sch. 13 para. 13(j)**
- C2** S. 41: power to apply conferred (1.9.1997) by 1997 c. 50, s. 44(1), **Sch. 4 para. (e)(ii)**; S.I. 1997/1930, **art. 3(1)(m)**
- C3** S. 41 extended (19.9.1995) by 1995 c. 25, ss. 65(7), 125(2), **Sch. 8 para. 3(3)** (with ss. 7(6), 115, 117, Sch. 8 para. 7)
- C4** S. 41 modified (22.7.2004) by The Chilterns Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1778), arts. 1, **29(3)**
- C5** S. 41 modified (22.7.2004) by The Cotswolds Area of Outstanding Natural Beauty (Establishment of Conservation Board) Order 2004 (S.I. 2004/1777), arts. 1, **29(3)**
- C6** S. 41 excluded (8.5.2017) by The Greater Manchester Combined Authority (Transfer of Police and Crime Commissioner Functions to the Mayor) Order 2017 (S.I. 2017/470), art. 1(2), **Sch. 2 para. 6**
- C7** S. 41 excluded (coming into force in accordance with reg. 1 of the amending S.I.) by The Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022 (S.I. 2022/256), **reg. 6**
- C8** S. 41 excluded (1.12.2022) by The Renting Homes (Safeguarding Property in Abandoned Dwellings) (Wales) Regulations 2022 (S.I. 2022/256), regs. 1, **6** (as amended by S.I. 2022/906, arts. 1(1), 12)
- C9** Words in s. 41(13) amended by S.I. 1985/1884, art. 10, **Sch. 3 para. 4(u)**
- C10** Words in s. 41(13) extended by S.I. 1987/2110, art. 2, **Sch. 1 para. 8(o)**

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#### Marginal Citations

- M1** 1968 c. 61
- M2** 1972 c. 70 (**81:1**).
- M3** 1990 c.11 (**123:1**).
- M4** 1981 c. 14 (**107:1**).

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