

Uncollected goods disposal

Trading Standards information

www.southwark.gov.uk

1. Introduction

Businesses such as dry cleaners and those which repair goods are often left with uncollected goods. These goods belong to the customers so in order for the business to legally dispose of them, and avoid any future liability, certain rules must be followed.

2. Main legal requirements

If you are in possession of another person's goods, and that other person is under an obligation to collect them, you will be entitled to sell the goods if they remain uncollected and are not otherwise the subject of a dispute. To avoid any liability you must do the following;

Firstly you must post, or deliver directly to the owner, or leave at his proper address written notice of:

- I. the owner's obligation to collect the goods;
- II. the details of the goods to be collected and the address at which they are held;
- III. the name and address of the person sending the notice; and
- IV. the amount of money owing in respect of the goods at the time the notice is sent.

Secondly, you must deliver to the owner of the goods, by registered letter or recorded delivery notice of your intention to sell the goods and the date of the intended sale if they remain uncollected. The second notice should repeat the details in the first notice as listed above.

These two notices may be delivered together at the same time.

The period between the issue of the second notice and the date of intended sale, should be sufficient for the owner to reclaim the goods. However, if money is owed to the person holding the goods on the owner's behalf this period must not be less than three months.

3. What If I cannot find the owner?

If you have taken reasonable steps to trace the owner of the goods in order to issue the notices, but have been unable to do so, you are entitled to proceed as if the notices had been served.

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4. Sale of uncollected goods

Where goods remain uncollected at the notified date of sale, you may sell them by whatever manner is appropriate in the circumstances.

The owner of the goods is entitled to receive the proceeds of the sale but you are entitled to withhold any money owing in respect of the goods, or their sale. The owner of the goods cannot claim the proceeds of the sale after six years.

5. What happens if I don't comply with these requirements?

These requirements are contained in Section 12 and 13 of the Torts (Interference with Goods) Act 1977. If you don't follow the requirements the owner of the goods could sue you for damages.

6. Further information

If you require further assistance on these requirements, or would like additional information leaflets, please contact our Business Help Desk at the address given.