

SCHEDULE 19

Section 6.

LONDON LOCAL AUTHORITIES ACT 1990 PART III AS HAVING EFFECT IN ACCORDANCE WITH
SECTION 6 (STREET TRADING) OF THIS ACTPART III
STREET TRADING*Interpretation of Part III*

21 (1) In this Part of this Act—

"grant", unless the context otherwise requires, includes renew and renewal, and cognate words shall be construed accordingly;

"ice cream trading" means the selling, exposing or offering for sale of goods consisting wholly or mainly of ice cream, frozen confectionary or other similar commodities from a vehicle;

"itinerant ice cream trading" means ice cream trading from a vehicle which goes from place to place remaining in any one location in the course of trading for short periods only;

"licence street" means a street designated under section 24 (designation of licence streets) of this Act;

"receptacle" includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing or equipment used in the provision of any service;

"street" includes—

- (a) any road or footway;
- (b) any other area, not being within permanently enclosed premises, within 7 metres of any road or footway, to which the public have access without payment;
- (c) any part of such road, footway or area;
- (d) any part of any housing development provided or maintained by a local authority under Part II of the [1985 c. 68.] Housing Act 1985;

"street trading" means subject to subsection (2) below the selling or exposing or the offering for sale of any article (including a living thing) or the supplying or offering to supply any service in a street for gain or reward;

"street trading licence" means a licence granted under this Part of this Act and valid for the period specified therein being not less than six months and not more than three years;

"temporary licence" means a licence granted under this Part of this Act valid for a single day or for such period as may be specified in the licence not exceeding six months.

(2) The following are not street trading for the purposes of this Part of this Act:—

- (a) trading by a person acting as a pedlar under the authority of a Pedlar's Certificate granted under the [1871 c. 96.] Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of any enactment or order;
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the [1980 c. 66.] Highways Act 1980;
- (d) trading as a news-vendor provided that the only articles sold or exposed or offered for sale are newspapers or periodicals and they are sold or exposed or offered for sale without a receptacle for them or, if with a receptacle for them such receptacle does not—
 - (i) exceed 1 metre in length or width or 2 metres in height; or
 - (ii) occupy a ground area exceeding 0.25 square metre; or
 - (iii) stand on the carriageway of a street; or
 - (iv) cause undue interference or inconvenience to persons using the street;
- (e) selling articles or things to occupiers of premises adjoining any street, or offering or exposing them for sale from a vehicle which is used only for the regular delivery of milk or other perishable goods to those persons;
- (f) the use for trading under Part VIIA of the [1980 c. 66.] Highways Act 1980 of any object or structure placed on, in or over a highway;
- (g) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (h) the doing of anything authorised by regulations made under section 5 of the [1916 c. 31.] Police, Factories, &c. (Miscellaneous Provisions) Act 1916;

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SCHEDULE 3

Section 16

FINANCIAL PROVISIONS RELATING TO SECTION 16 (FIXED PENALTY NOTICES) OF THIS ACT

- 1 A borough council shall keep an account of their income and expenditure in respect of the administration and enforcement of sections 15 (Fixed penalty offences) and 16 (Fixed penalty notices) of this Act in relation to each of the enactments mentioned in paragraphs (a) and (b) of subsection (1) of the said section 15.
- 2 At the end of each financial year any deficit in the account shall be made good out of the general rate fund, and (subject to paragraph 3 below) any surplus shall be applied to purposes connected with the improvement of the amenity of the area of the council or any part of that area.
- 3 If the council so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under paragraph 1 above to the next financial year.
- 4 Each council shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to paragraph 2 or 3 above, in respect of any deficit or surplus in their account for the year.
- 5 The report under paragraph 4 above shall be made as soon after the end of the financial year to which it relates as possible.
- 6 In any proceedings a certificate which—
 - (a) purports to be signed by or on behalf of, the chief finance officer of the council; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,shall be evidence of the facts stated.
- 7 In this Schedule, "chief finance officer", in relation to a council, means the person having responsibility for the financial affairs of the council.

SCHEDULE 4

Section 20

AMENDMENTS TO PART III (STREET TRADING) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (C. VII)

Section 21 (Interpretation of Part III)

- 1 In subsection (1) of section 21 for the definition of "street trading" the following definition is substituted—

"street trading" means subject to subsection (2) below—

 - (a) the selling or the exposure or offer for sale of any article (including a living thing); and
 - (b) the purchasing of or offering to purchase any ticket; and
 - (c) the supplying of or offering to supply any service, in a street for gain or reward;".
- 2 In subsection (2) of section 21—
 - (a) in paragraph (a), at the end, the words "if the trading is carried out only by means of visits from house to house" are inserted;
 - (b) in paragraph (d), before "newspapers", the word "current" is inserted;
 - (c) in paragraph (h), at the end, the words "or by permit or order made under Part III of the Charities Act 1992 (c. 41)" are inserted;
 - (d) for paragraph (j) there is substituted the following paragraph—

"(j) the selling or the exposure or offer for sale of articles or the provision of services on private land adjacent to a shop provided that the selling or the exposure or offer for sale of the articles or the provision of the services—

 - (i) forms part of the business of the owner of the shop or a person assessed for uniform business rate in respect of the shop; and
 - (ii) takes place during the period during which the shop is open to the public for business."

Section 24 (Designation of licence streets)

- 3 In subsection (6) of section 24—
 - (a) the word "and" at the end of paragraph (b) is omitted;
 - (b) paragraph (c) is omitted;