

Local Government (Miscellaneous Provisions) Act 1982
CHAPTER 30
as amended by
Bournemouth Borough Council Act & Manchester City Council Act 2010
(amendments inserted in blue)

SCHEDULE 4
STREET TRADING

Interpretation

1 (1) In this Schedule—

“consent street” means a street in which street trading is prohibited without the consent of the district council;

“licence street” means a street in which street trading is prohibited without a licence granted by the district council;

“principal terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(3) below;

“prohibited street” means a street in which street trading is prohibited;

“street” includes—

(a) any road, footway, beach or other area to which the public have access without payment; and

(b) a service area as defined in section 329 of the **M1**Highways Act 1980,

and also includes any part of a street;

“street trading” means, subject to sub-paragraph (2) below,

(a) the selling or exposing or offering for sale of any article (including a living thing) in a street; or

(b) the supplying or offering to supply any service in a street for gain or reward; and

“subsidiary terms”, in relation to a street trading licence, has the meaning assigned to it by paragraph 4(4) below.

(2) The following are not street trading for the purposes of this Schedule—

- (a) trading by a person acting as a pedlar under the authority of a pedlar’s certificate granted under the **M2**Pedlars Act 1871, if the trading is carried out only -
- (i) by means of visits from house to house,
 - (ii) with any goods or handicraft equipment carried on his person as a pedestrian, or
 - (iii) with any goods or handicraft equipment carried in a wheeled vehicle (with a carrying capacity no greater than one cubic metre) pushed or pulled by him,
- and (in so far as sub-paragraph (ii) or (iii) of this paragraph applies), he complies with the essential requirements referred to in sub-paragraph (2A) below, as read with sub-paragraphs (2B) and (2C) below.
- (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 an enactment or order.
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the **M3**Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading which—
- (i) is carried on at premises used as a petrol filling station; or
 - (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
- (f) selling things, or offering or exposing them for sale, as a roundsman;
- (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
- (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
- (j) the doing of anything authorised by regulations made under section 5 of the **M4**Police, Factories, etc. (Miscellaneous Provisions) Act 1916.

(2A) Subject to sub-paragraph (2B) a person complies with the essential requirements as follows -

- (a) he must leave any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than -
- (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,
- whichever comes later;
- (b) each location he occupies with a view to trading must be at a minimum distance of 200 metres from his previous one;

- (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
- (d) he must not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person;
- (e) at all times while -
 - (i) trading
 - (ii) otherwise occupying any location with a view to trading, or
 - (iii) moving between locations occupied or to be occupied with a view to trading,
 he must display prominently his certificate granted under the Pedlars Act 1871.

(2B) Nothing in sub-paragraph (2A)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if -

- (a) he so occupies it on the request of a bona fide customer,
- (b) he begins trading on arrival there, and
- (c) he leaves as soon as he is able after trading ceases.

(2C) For the purposes of sub-paragraphs (2A) and (2B) above -

- (a) a person is trading from such time as, while falling within sub-paragraph (2)(a)(ii) or (iii), he commences the transaction -
 - (i) of selling goods to a bona fide customer, or
 - (ii) of supplying a service for payment by a bona fide customer,
 up to the moment when the transaction is completed or aborted but, if another bona fide customer is waiting to trade with him at that moment, time shall not be treated as elapsed in any gap between that moment and the commencement of the transaction with the other customer; and
- (b) measurement of minimum distance operates in a straight line except to the extent that -
 - (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property.

Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.

- (3) The reference to trading as a news vendor in sub-paragraph (2)(d) above is a reference to trading where—
 - (a) the only articles sold or exposed or offered for sale are newspapers or periodicals; and
 - (b) they are sold or exposed or offered for sale without a stall or receptacle for them or with a stall or receptacle for them which does not—
 - (i) exceed one metre in length or width or two metres in height;
 - (ii) occupy a ground area exceeding 0.25 square metres; or
 - (iii) stand on the carriageway of a street.

Designation of Streets

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