



Local Government (Miscellaneous Provisions) Act 1976

1976 CHAPTER 57

PART I

GENERAL

Highways

^{F1}1–6

Textual Amendments

^{F1} Ss. 1–6 repealed by [Highways Act 1980 \(c. 66, SIF 59\)](#), s. 343(3), [Sch. 25](#)

7 **Control of road-side sales.**

- (1) If a highway authority considers that, for the purpose of avoiding danger on or facilitating the passage of traffic over a highway for which it is the highway authority, it is appropriate to make an order under this subsection in respect of the highway, the authority may make an order (hereafter in this section referred to as a “control order”) specifying the highway and providing that, subject to subsection (5) of this section—
- (a) no person shall sell anything on the highway or offer or expose anything for sale on the highway; and
 - (b) no person shall, for the purpose of selling anything or offering or exposing anything for sale on the highway or of attracting from users of the highway offers to buy anything, put, keep or use on the highway, or on land within fifteen metres from any part of the highway any stall or similar structure or any container or vehicle.

Status: Point in time view as at 01/02/1991.

Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1976, Cross Heading: Highways. (See end of Document for details)

- (2) The highway authority for a highway in respect of which a control order is in force may vary or revoke the order by a subsequent order.
- (3) [^{F2}Paragraphs 20 to 23, paragraph 24 (except so much of it as relates to appeals by district councils) and paragraph 25 of Schedule 9 to the Road Traffic Regulation Act 1984](which relate to the procedure for making orders under the provisions of that Act mentioned in [^{F2}paragraphs 20(1) and 24(a) and (b) of that Schedule]) shall have effect as if subsections (1) and (2) of this section were included among those provisions.
- (4) If a person contravenes a control order which is in force for a highway, the highway authority for the highway may by a notice served on him require him not to contravene the order after a date specified in the notice (which must not be before the expiration of the period of 7 days beginning with the date of service of the notice); and—
- (a) if a person on whom a notice relating to a contravention of a control order is served in pursuance of this subsection contravenes the order after the expiration of that period, or causes, permits or procures another person to contravene it after the expiration of that period, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding [^{F3}level 3 on the standard scale];
 - (b) if a contravention in respect of which a person is convicted of an offence in pursuance of the preceding paragraph is continued by him after the expiration of the period of 7 days beginning with the date of the conviction he shall, as respects each day on which the contravention is so continued, be guilty of a further offence and liable on summary conviction to a fine not exceeding £10.
- (5) A control order does not apply—
- (a) to anything done at premises used as a shop or petrol filling station either—
 - (i) in pursuance of planning permission granted or deemed to be granted under [^{F4}the ^{M1}Town and Country Planning Act 1990], or
 - (ii) in a case where the premises are, without such permission, lawfully used as a shop or petrol filling station, or
 - (iii) without prejudice to the generality of sub-paragraph (ii) above, in a case where by virtue of [^{F5}section 172 of that Act](which relates to enforcement notices) an enforcement notice in respect of that use of the premises cannot be served;
 - (b) to anything done at a market in respect of which tolls, stallages or rents are payable;
 - (c) to the sale, offer or exposure for sale of things from or on a vehicle which is used only for the purpose of itinerant trading with the occupiers of premises or which is used only for that purpose and for purposes other than trading;
 - (d) to such a vehicle as is mentioned in the preceding paragraph or to containers on the vehicle;
 - (e) to, or to containers used in connection with, the sale, offer or exposure for sale, by or on behalf of the occupier of land used for agriculture and on that land, of agricultural produce produced on that land;
 - (f) to the provision, in a lay-by situated on a highway, of facilities for the purchase of refreshments by persons travelling on the highway or on another highway near to the highway;
 - (g) to anything as respects which the control order provides that the order is not to apply to it.

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In paragraph (e) of this subsection “agriculture” and “agricultural” have the same meanings as in the ^{M2}Agriculture Act 1947.

- (6) References in the preceding provisions of this section to a control order are, in the case of a control order which has been varied in pursuance of subsection (2) of this section, references to the order as so varied.

Textual Amendments

- F2** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 34**
- F3** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F4** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 35(1)(a)**
- F5** Words substituted by [Planning \(Consequential Provisions\) Act 1990 \(c. 11, SIF 123:1, 2\)](#), s. 4, **Sch. 2 para. 35(1)(b)**
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Marginal Citations

- M1** 1990 c. 8.
- M2** 1947 c. 48.

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