

2001 No. 165

STREET TRADING

**Street Trading (Fixed Penalty) (Notice and Procedure)
Regulations (Northern Ireland) 2001**

Made *11th April 2001*

Coming into operation *1st October 2001*

The Department for Social Development, in exercise of the powers conferred on it by section 22 of, and paragraphs 2(4) and 3(4)(b) of Schedule 1 to, the Street Trading Act (Northern Ireland) 2001(a) and of all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Street Trading (Fixed Penalty) (Notice and Procedure) Regulations (Northern Ireland) 2001 and shall come into operation on 1st October 2001.

(2) In these Regulations—

“the Act” means the Street Trading Act (Northern Ireland) 2001;

“notice” means a fixed penalty notice under Schedule 1 to the Act.

Fixed penalty notice

2. A fixed penalty notice under paragraph 2 of Schedule 1 to the Act shall be as specified in the form set out in the Schedule.

Information to clerks of petty sessions

3. For the purposes of paragraph 3(4)(b) of Schedule 1 to the Act the following information shall be supplied to clerks of petty sessions:

- (a) the name and address of the person to whom a notice has been issued;
- (b) the serial number of the notice;
- (c) the offence specified on the notice;
- (d) the amount of the fixed penalty concerned;
- (e) the date of the notice; and
- (f) the date by which the fixed penalty may be paid.

Sealed with the Official Seal of the Department for Social Development
on 11th April 2001.

(L.S.)

J. V. Allister
Senior Officer of the Department for
Social Development

SCHEDULE

Regulation 2(1)

PART I

FIXED PENALTY NOTICE

Street Trading Act (Northern Ireland) 2001

Serial No.

To:

Address

On (enter date) at (enter location) you were in breach of paragraph (a) or (b)* of section 21 of the Street Trading Act (Northern Ireland) 2001 in circumstances giving me reason to believe that an offence, details of which are given below, was being committed or had been committed.

†(a) Without reasonable excuse you contravened the following conditions of the street trading licence, as specified in paragraph (b), (d), (e), (f) or (g) of section 7(1) of the Street Trading Act (Northern Ireland) 2001:

.....
.....
.....
.....

†(b) You failed on demand and without reasonable excuse to produce your street trading licence or temporary licence to an authorised officer or a constable in the following circumstances:

.....
.....
.....

Signature Authorised Officer
..... District Council

If before the end of ‡..... days from (date) the sum of £ being the fixed penalty for the offence is paid to the clerk of petty sessions at proceedings will not be taken for the offence and any liability to conviction of the offence will be discharged. Payment may be made in person or by post. Cheques, postal orders or money orders should be made payable to the clerk of petty sessions in the city or town shown above. If cash is being sent this should be by registered post and sufficient time must be allowed to ensure that the payment is received by the clerk of petty sessions within the time specified for payment.

* Delete whichever is inapplicable
† Delete whichever is inapplicable
‡ This period must not be less than 14 days

PART II

Serial No. of Notice

To: Clerk of Petty Sessions

.....

.....
(insert name and address of clerk of petty sessions)

I enclose the sum of £ as payment of the fixed penalty for the offence mentioned in Part I of this notice.

Name (in block capitals)

Address (in block capitals).....

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations prescribe the form of the fixed penalty notice which may be given by an authorised officer of a district council to a person under Schedule 1 to the Street Trading Act (Northern Ireland) 2001. The notice offers the opportunity of discharging (by payment of a fixed penalty to a clerk of petty sessions by a given date) any liability to conviction of the offence under paragraph (a) or (b) of section 21 of the Act as specified in the notice.

Paragraph (a) of section 21 relates to the contravention, without reasonable excuse, of certain conditions of a street trading licence by:

- selling or supplying different articles, things or services to those specified;
- using receptacles of a different nature, size, type or number to those specified;
- failing to prominently display the name and licence number of the licence holder;
- failing to comply with the conditions governing the storage of articles, things or receptacles;
- failing to comply with the conditions governing the deposit and removal of refuse, including any containers used and their location.

Paragraph (b) of section 21 relates to failing, on demand, to produce a street trading licence or temporary licence to an authorised officer of the district council or a police constable.

The Regulations also prescribe the information to be supplied to a clerk of petty sessions in relation to a fixed penalty notice.

£2.00