



CHAPTER xiii.

An Act to make provision for the regulation of street trading in the borough of Walthamstow and for other purposes. [12th May 1932.]

A.D. 1932.

WHEREAS the borough of Walthamstow in the county of Essex is a municipal borough subject to the Municipal Corporations Acts and is under the local government of the mayor aldermen and burgesses of the borough acting by the council :

And whereas it is expedient that the provisions contained in this Act with respect to the carrying on of trading in the streets of the said borough should be made :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 to 1903 have been observed :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Walthamstow Corporation Act 1932.* Short title.

A.D. 1932.

Interpre-
tation.

2. In this Act unless the subject or context otherwise requires—

“ the borough ” means the borough of Walthamstow ;

“ the Corporation ” means the mayor aldermen and burgesses of the borough acting by the council of the borough ;

“ the prescribed date ” means the first day of January one thousand nine hundred and thirty-three ;

“ the town clerk ” means the town clerk of the borough and includes any person duly authorised to discharge temporarily the duties of that office ;

“ the general rate fund ” and “ the general rate ” mean respectively the general rate fund and general rate of the borough.

Licensing
of street
traders.

3. On and after the prescribed date it shall not be lawful for any person to sell or expose or offer for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough without a licence from the Corporation authorising him so to do. Provided that subject to the provisions of any byelaw made under this Act this section shall not apply to any person selling or exposing or offering for sale any article or thing from or upon any barrow cart stall or other receptacle which he ordinarily moves from place to place in pursuit of and while conducting his trade.

Applica-
tions for
licences &c.

4.—(1) A person requiring a licence or the renewal of a licence under this Act shall make application in writing to the Corporation and shall in such application state his full name and address and the nature of the articles and things which he intends to sell or expose or offer for sale under the authority of the licence if granted the place (if any) at which the articles or things will be stored by him before any sale or exposure or offer for sale and the street or streets or area in which and the day or days and the time or times on and at or during which he intends to sell or expose or offer for sale such articles and things.

A.D. 1932.

(2) (a) In the case of any person intending to sell or expose or offer for sale as aforesaid any article or thing on or within one month after the prescribed date the application for a licence so to do shall be made not later than the first day of December one thousand nine hundred and thirty-two.

(b) An application for the renewal of a licence shall be made not less than one month before the date on which such licence will expire.

(3) The Corporation shall at any annual meeting fixed by them for the purpose of considering applications under this Act next following the date of the receipt of an application under the provisions of this section or (if the date of any such annual meeting is more than one month after the date of such receipt) as soon as reasonably practicable after the receipt of the application grant or renew a licence to the applicant under and for the purposes of this Act :

Provided that the Corporation may refuse to grant or renew a licence or may at any time revoke or vary a licence granted to any person if—

- (a) on account of misconduct or for any other sufficient reason he is in their opinion unsuitable to hold such licence; or
- (b) the space available in the street or streets or area to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient for the selling or exposing or offering for sale by the applicant or licensee of any articles or things under the authority of a licence under this Act or of the particular articles or things referred to in the application or licence without causing undue interference with or inconvenience to the traffic in such street or streets or area; or
- (c) the street or streets to which the application relates is or are not a street or streets ordinarily prescribed by the Corporation in licences granted by them pursuant to this Act; or

A.D. 1932.

- (d) the applicant or licensee persistently neglects or fails to pay any charges due from him under this Act or the byelaws made thereunder;

but shall not refuse to grant or renew a licence or revoke a licence on the ground only that the applicant for or holder of the licence does not reside in the borough:

Provided also that the operation of this subsection shall be subject to the provisions of the section of this Act of which the marginal note is "For preventing interference with traffic."

(4) Any such licence may prescribe—

- (a) the street or streets or area in which and the position or place in any such street or area at which the licensee may sell or expose or offer for sale articles or things as aforesaid;
- (b) the class or classes of articles or things which may be sold or exposed or offered for sale under such licence provided that no article of food shall be classed with any other commodity;
- (c) the day or days and the time or times on and at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid; and
- (d) the number of barrows carts stalls or other receptacles which may be used for those purposes under the authority of the licence;

and on any occasion of the renewal of a licence the Corporation may vary such prescriptions.

(5) The Corporation shall not refuse to renew or shall not revoke or vary any such licence unless they shall have given to the person applying for such renewal or holding the licence proposed to be revoked or varied not less than seven days' previous notice in writing that objections have been or will be taken to such renewal or that a revocation or variation is proposed and unless on written application made within three days after the receipt of such notice they have afforded to such person an opportunity of being heard against such refusal revocation or variation.

5.—(1) Where it appears to the Secretary of State after consultation with the Corporation that the presence of persons licensed under this Act causes or is calculated to cause undue interference with or inconvenience to traffic in any street or part of a street in the borough he may by order prohibit the selling or exposing or offering for sale by persons licensed or thereafter to be licensed under this Act of any article or thing in any such street or part of a street except in such numbers and under such conditions (if any) as may be prescribed in the order.

A.D. 1932.

—
For preventing interference with traffic.

(2) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in at least one newspaper circulating within the borough and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous position in the street or part of a street to which the proposal relates and every such notice shall—

- (a) specify the street or part of a street to which the proposal relates; and
- (b) notify the time (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent in writing to the Secretary of State.

(3) Before carrying into effect any proposal of which notice is required by this section to be given the Secretary of State shall consider any objection to the proposal which is sent to him in writing within the time fixed in that behalf and shall if necessary cause a public local inquiry to be held:

Provided that where more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn the same the Secretary of State shall before making the order cause a public local inquiry to be held with reference to the proposal.

(4) A person appointed by the Secretary of State to hold a public local inquiry under the provisions of this section shall for the purposes of the inquiry have in relation to witnesses and their examination the production of papers and accounts and the inspection of places and matters required to be inspected similar powers to those which poor law inspectors have under the Poor Law Act 1930 for the purposes of that Act.

A.D. 1932.

(5) Where any such order as aforesaid is made and is in force no licence shall be granted or renewed under this Act contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative :

Provided that any such order shall not affect the operation of any licence in force at the date on which the order comes into force.

(6) Any refusal by the Corporation to grant or renew a licence in pursuance of the provisions of the preceding subsection shall not be a ground for an appeal under subsection (2) of the section of this Act of which the marginal note is " Appeals against refusal or revocation of licences."

(7) The reasonable costs incurred by the Secretary of State in relation to any such public local inquiry (including the remuneration of any person employed by him for the purpose of the inquiry) shall be paid by the Corporation and the Secretary of State may certify the amount of the costs incurred and any sums so certified shall be a debt due to the Crown from the Corporation.

Fees on
licences.

6. Any person making application for the grant or renewal of a licence under this Act shall when making the same pay to the Corporation in respect of such application a fee of five shillings.

Duration of
licences.

7. Every licence granted or renewed under this Act shall unless revoked be valid for a period of one year or in the case of any licence granted or renewed otherwise than at any annual meeting fixed by the Corporation for the purpose of considering applications under this Act for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

Appeals
against
refusal or
revoca-
tion of
licences.

8.—(1) If the Corporation refuse to grant or renew a licence or revoke or vary a licence under this Act they shall if required by the applicant or holder (as the case may be) send or deliver to him within seven days of the receipt of such requirement particulars in writing of the ground or grounds for such refusal revocation or variation.

(2) Any person aggrieved by such refusal revocation or variation or by any prescription made by the

Corporation under subsection (4) of the section of this Act of which the marginal note is "Applications for licences &c." may appeal to a court of summary jurisdiction provided that such appeal is made within fourteen days from the date on which such refusal revocation variation or prescription is notified to him and that notice in writing of such appeal is sent to the Corporation not less than seven days before the hearing thereof and the court may make such order as it thinks fit and may award costs.

A.D. 1932.

9.—(1) The Corporation may make byelaws relating to the following matters (that is to say):—

Byelaws as to trading under licences.

- (a) the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a licence granted or renewed under this Act;
- (b) the deposit and removal of refuse and the charges which may be made for such removal or for any other services rendered by the Corporation;
- (c) the allocation maximum dimensions and arrangement of barrows carts stalls and other receptacles;
- (d) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles of food intended to be sold or exposed or offered for sale under the authority of the licence;
- (e) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority; and
- (f) the prohibition on such days and during such hours as may be specified in the byelaws of the sale or exposure or offer for sale of any article or thing from any barrow cart stall or other receptacle in any street or part of a street specified in the byelaws (being a street or part of a street ordinarily prescribed by the Corporation in licences granted by them pursuant to this Act) by any person other than a person holding a licence from the Corporation under this Act authorising him so to do.

A.D. 1932.

(2) The provisions of sections 182 to 185 of the Public Health Act 1875 so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made under this section with the substitution of the Secretary of State for the Minister of Health as the confirming authority. Provided that before confirming any byelaw relating to the storage and sanitary supervision of articles of food the Secretary of State shall consult the Minister of Health.

Power to Corporation to make charges for certain services.

10. The Corporation may make and recover from persons licensed by them under this Act charges not exceeding the amount of the charges prescribed by byelaws made under this Act.

Power to licensees to employ other persons.

11. Any person holding a licence under this Act may employ any other person to assist him in the conduct of his business without any further licence under this Act being required.

Penalties for offences in respect of trading required to be licensed.

12.—(1) Every person who or whose assistant on or after the prescribed date without a licence under this Act authorising him so to do or contrary to any prescription of such licence sells or exposes or offers for sale any article or thing from or upon any barrow cart stall or other receptacle occupying a stationary position at a place in the carriageway or footway of any street in the borough or obtains a licence or the renewal of a licence by wilful misrepresentation shall be liable to a penalty not exceeding five pounds and to a penalty not exceeding forty shillings for each day on which an offence is continued after conviction thereof and the court may (in lieu of or in addition to imposing a penalty) make an order revoking the licence (if any).

(2) Provided that a person who has appealed to a court of summary jurisdiction (except against a refusal to grant a new licence) in accordance with the provisions of the section of this Act of which the marginal note is "Appeals against refusal or revocation of licences" or to a court of quarter sessions in accordance with the provisions of the section of this Act of which the marginal note is "Appeals to quarter sessions" shall not be liable to any proceedings under this section for the offence of selling or exposing or offering for sale in the street or streets or area specified in the licence granted to him

or (in the case of a refusal to renew a licence) in his application any article or thing as aforesaid without a licence until such appeal has been heard and determined or has been abandoned.

A.D. 1932.

13. Nothing in this Act shall restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence.

Saving for holders of pedlars' certificates and hawkers' licences.

14. Nothing in this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to obstruction of traffic in highways.

Saving for London Traffic Act 1924 and other enactments.

15. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Act shall affect the sale or exposure for sale of goods in any such market or fair by any person who has paid a toll to or shall be acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Saving for sales in legal markets or fairs.

16. In the execution of the provisions of this Act regard shall be had to all relevant circumstances including the length of time for which the several holders of licences under this Act have respectively held such licences.

As to execution of Act.

17. All expenses incurred by the Corporation in carrying into execution the provisions of this Act shall be defrayed out of the general rate fund and the general rate.

Expenses of execution of Act.

18. No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or by any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bona fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the

Persons acting in execution of Act not to be personally liable.

A.D. 1932. Corporation or the town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation.

Application of penalties. **19.** All penalties recovered by the Corporation or any officer of the Corporation on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer of the borough and be by him carried to the credit of the general rate fund or to such other fund as the Corporation may direct.

Recovery of penalties &c. **20.** Save as otherwise expressly provided all offences against this Act or any byelaw made thereunder and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder or under any such byelaw may be prosecuted and recovered in a summary manner:

Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Informations by whom to be laid. **21.** Save as otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any officer of the metropolitan police and the Corporation may appear before any court of summary jurisdiction in any legal proceedings under this Act by the town clerk or any officer authorised generally by a resolution of the Corporation.

Appeals to quarter sessions. **22.** Any person deeming himself aggrieved by any order made by a court of summary jurisdiction under the provisions of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Authentification and service of notices. **23.—(1)** Where any notice or document under this Act requires authentication by the Corporation the signature of the town clerk or other duly authorised officer of the Corporation shall be sufficient authentication.

(2) Notices and other documents required or authorised to be served under this Act or any byelaw made

thereunder may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that—

A.D. 1932.

- (a) in the case of any company any such notice or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business; and
- (b) in the case of a firm any such notice or document may be delivered or sent by post addressed to the firm by their business name at their principal place of business and any notice or document so sent shall be deemed to have been delivered or sent to each partner in the firm (the expressions "firm" "business name" and "partner" where used in this proviso having the same respective meanings as in the Registration of Business Names Act 1916).

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

24. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Judges
not dis-
qualified.

25. All costs charges and expenses of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate fund or the general rate or out of moneys to be borrowed for that purpose under and in accordance with the provisions of the Public Health Act 1875 and any moneys so borrowed shall be repaid within five years from the date of the passing of this Act and no sanction of the Minister of Health shall be required to such borrowing.

Costs of
Act.

Printed by EYRE and SPOTTISWOODE LIMITED,

FOR

WILLIAM RICHARD CODLING, Esq., O.B., O.V.O., C.B.E., the King's Printer of
Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.

