



Local Government (Miscellaneous Provisions) Act 1982

1982 CHAPTER 30

PART IX

SALE OF FOOD BY HAWKERS

18 Application of section 19

- (1) A local authority may resolve that section 19 below is to apply to their area; and if a local authority do so resolve, that section shall come into force in their area on the day specified in that behalf in the resolution (which must not be before the expiration of the period of one month beginning with the day on which the resolution is passed).
- (2) A local authority shall publish notice that they have passed a resolution under this section in two consecutive weeks in a local newspaper circulating in their area.
- (3) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of section 19 below in the local authority's area.
- (4) The notice shall state the general effect of that section.
- (5) In this Part of this Act " local authority " has the meaning assigned to it by section 85 of the Food and Drugs Act 1955.

19 Registration of hawkers of food and premises

- (1) Subject to subsection (11) below, in any area in which this section is in force—
 - (a) no person shall hawk food unless he is registered by the local authority for the area under this section ; and
 - (b) no premises shall be used as storage accommodation for any food intended for hawking unless the premises are so registered.
- (2) For the purposes of this section a person hawks food if for private gain—

Status: This is the original version (as it was originally enacted).

- (a) he goes from place to place selling food or offering or exposing food for sale ;
or
 - (b) he sells food in the open air or offers or exposes food for sale in the open air, unless he does so as part of, or as an activity ancillary to, a trade or business carried on by him or some other person on identifiable property.
- (3) Subsection (1) above applies to a person who hawks food as an assistant to a person registered under this section unless—
- (a) he is normally supervised when so doing ; or
 - (b) he assists only as a temporary replacement.
- (4) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.
- (5) It shall be a defence for a person charged with an offence under subsection (4) above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.
- (6) An application for registration under this section shall be accompanied by such particulars as the local authority may reasonably require.
- (7) The particulars that the local authority may require include, without prejudice to the generality of subsection (6) above, particulars as to any vehicle to be used by the applicant in connection with food hawking.
- (8) A local authority may charge such reasonable fees as they may determine for registration under this section.
- (9) An application for premises to be registered under this section shall be made by the person intending to use them as storage accommodation.
- (10) On application for registration under this section the local authority shall register the applicant and, if the application is for the registration of premises, those premises, and shall issue to the applicant a certificate of registration.
- (11) This section shall not apply—
- (a) to the sale or offer or exposure for sale of food—
 - (i) at 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;
 - (ii) at a notified temporary market; or
 - (iii) at a notified pleasure fair ; or
 - (b) to the sale or offer or exposure for sale of food in or from premises exempt from registration by section 16(3A) of the Food and Drugs Act 1955 or of food prepared or manufactured on such premises; or
 - (c) to the sale or offer or exposure for sale of food by way of street trading at any place in the area of a local authority by a person whom the local authority have authorised under any enactment to engage in such trading in their area (whether or not they have authorised him to trade at the place where the food was sold or offered or exposed for sale) or by a person acting as an assistant to a person so authorised; or
 - (d) to premises used as storage accommodation for food prepared for sale as mentioned in paragraphs (a) to (c) above; or

- (e) to the sale or offer or exposure for sale of food in containers of such materials and so closed as to exclude all risks of contamination.

(12) In this section—

" food " means food and ingredients of food for human consumption, including—

- (a) drink (other than water);
- (b) chewing gum and like products,

but does not include—

- (i) milk and cream ;
- (ii) live animals or birds ;
- (iii) articles or substances used only as drugs ;

" notified pleasure fair " means a pleasure fair, as defined in subsection (2) (a) of section 75 of the Public Health Act 1961, notice of which has been given to the local authority in accordance with byelaws under that section;

" notified temporary market" means a temporary market notice of which has been given to the local authority in accordance with section 37(2) below or any other enactment regulating such markets.