

*Status: Point in time view as at 01/04/2012.*

*Changes to legislation: There are currently no known outstanding effects for the Local Government (Miscellaneous Provisions) Act 1982, Cross Heading: Designation of streets. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

#### STREET TRADING

##### **Modifications etc. (not altering text)**

- C1** Sch. 4: functions of local authority not to be the responsibility of an authority's executive (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\)](#), [Sch. 1](#)  
Sch. 4 applied (with modifications) (21.12.2000) by [City of Newcastle upon Tyne Act 2000 \(c. viii\)](#), [ss. 3, 4](#)
- C1** Sch. 4 applied (with modifications) (28.10.2004) by [Medway Council Act 2004 \(c. v\)](#), [s. 4](#)
- C1** Sch. 4 applied (with modifications) (11.7.2006) by [Leicester City Council Act 2006 \(c. ii\)](#), [ss. 3, 4](#)  
Sch. 4 applied (with modifications) (11.7.2006) by [Liverpool City Council Act 2006 \(c. iii\)](#), [ss. 3, 4](#)  
Sch. 4 applied (with modifications) (11.7.2006) by [Maidstone Borough Council Act 2006 \(c. iv\)](#), [ss. 3, 4](#)
- C1** Sch. 4 modified (28.12.2009) by [The Provision of Services Regulations 2009 \(S.I. 2009/2999\)](#), [regs. 1\(2\), 45\(2\)\(3\)](#) (with [regs. 2, 5](#))
- C1** Sch. 4 applied (with modifications) (8.4.2010) by [Bournemouth Borough Council Act 2010 \(c. ii\)](#), [s. 4](#)
- C1** Sch. 4 applied (with modifications) (8.4.2010) by [Manchester City Council Act 2010 \(c. iii\)](#), [ss. 4, 5](#)

##### *Designation of streets*

- 2 (1) A district council may by resolution designate any street in their district as—
- a prohibited street;
  - a licence street; or
  - a consent street.
- (2) If a district council pass such a resolution as is mentioned in sub-paragraph (1) above, the designation of the street shall take effect 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).
- (3) A council shall not pass such a resolution unless—
- they have published notice of their intention to pass such a resolution in a local newspaper circulating in their area;
  - they have served a copy of the notice—
    - on the chief officer of police for the area in which the street to be designated by the resolution is situated; and
    - on any highway authority responsible for that street; and
  - where sub-paragraph (4) below applies, they have obtained the necessary consent.
- (4) This sub-paragraph applies—
- where the resolution relates to a street which is owned or maintainable by a relevant corporation; and

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(b) where the resolution designates as a licence street any street maintained by a highway authority;

and in sub-paragraph (3) above “necessary consent” means—

- (i) in the case mentioned in paragraph (a) above, the consent of the relevant corporation; and
- (ii) in the case mentioned in paragraph (b) above, the consent of the highway authority.

(5) The following are relevant corporations for the purposes of this paragraph—

- (a) the British Railways Board;
- (b) the [<sup>F1</sup>new towns residuary body];
- [<sup>F2</sup>(ba) a Mayoral development corporation;]
- (c) a development corporation for a new town; [<sup>F3</sup>and]
- (d) an urban development corporation established under the <sup>M1</sup>Local Government, Planning and Land Act 1980; . . .
- <sup>F4</sup>(e) . . . . .

[<sup>F5</sup>(5A) In sub-paragraph (5)(b) above “new towns residuary body” means—

- (a) in relation to England, the Homes and Communities Agency so far as exercising functions in relation to anything transferred (or to be transferred) to it as mentioned in section 52(1)(a) to (d) of the Housing and Regeneration Act 2008 [<sup>F6</sup>or the Greater London Authority so far as exercising its new towns and urban development functions ]; and
- (b) in relation to Wales, the Welsh Ministers so far as exercising functions in relation to anything transferred (or to be transferred) to them as mentioned in section 36(1)(a)(i) to (iii) of the New Towns Act 1981.]

(6) The notice referred to in sub-paragraph (3) above—

- (a) shall contain a draft of the resolution; and
- (b) shall state that representations relating to it may be made in writing to the council within such period, not less than 28 days after publication of the notice, as may be specified in the notice.

(7) As soon as practicable after the expiry of the period specified under sub-paragraph (6) above, the council shall consider any representations relating to the proposed resolution which they have received before the expiry of that period.

(8) After the council have considered those representations, they may, if they think fit, pass such a resolution relating to the street as is mentioned in sub-paragraph (1) above.

(9) The council shall publish notice that they have passed such a resolution in two consecutive weeks in a local newspaper circulating in their area.

(10) The first publication shall not be later than 28 days before the day specified in the resolution for the coming into force of the designation.

(11) Where a street is designated as a licence street, the council may resolve—

- (a) in the resolution which so designates the street; or
- (b) subject to sub-paragraph (12) below, by a separate resolution at any time,

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that a street trading licence is not to be granted to any person who proposes to trade in the street for a number of days in every week less than a number specified in the resolution.

- (12) Sub-paragraphs (3)(a) and (6) to (10) above shall apply in relation to a resolution under sub-paragraph (11)(b) above as they apply in relation to a resolution under sub-paragraph (1) above.
- (13) Any resolution passed under this paragraph may be varied or rescinded by a subsequent resolution so passed.

#### Textual Amendments

- F1** Words in Sch. 4 para. 2(5)(b) substituted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 34\(2\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F2** Sch. 4 para. 2(5)(ba) inserted (15.1.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(1)(l), [Sch. 22 para. 8](#)
- F3** Word in Sch. 4 para. 2(5)(c) inserted (1.10.1998) by 1998 c. 38, s. 29, [Sch. 15 para. 5](#) (with ss. 131(1), 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F4** Sch. 4 para. 2(5)(e) and word “and” immediately preceding repealed (1.10.1998) by 1998 c. 38, s. 152, [Sch. 18 Pt. IV](#) (with ss. 137(1), 139(2), 143(2)); S.I. 1998/2244, [art. 4](#)
- F5** Sch. 4 para. 2(5A) inserted (1.12.2008) by [Housing and Regeneration Act 2008 \(c. 17\)](#), s. 325(1), [Sch. 8 para. 34\(3\)](#); S.I. 2008/3068, art. 2(1)(w)(3) (with arts. 6-13)
- F6** Words in Sch. 4 para. 2(5A)(a) inserted (1.4.2012) by [Localism Act 2011 \(c. 20\)](#), s. 240(2), [Sch. 19 para. 9](#); S.I. 2012/628, art. 6(i) (with arts. 9, 11, 14, 15, 17)

#### Marginal Citations

- M1** 1980 c. 65.

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