



City of London (Various Powers) Act 2013

2013 CHAPTER vii

An Act to amend the provision for the control of street trading in the City of London; to make provision relating to City walkways; and for related purposes. [18th December 2013]

WHEREAS—

- (1) It is expedient to amend the provisions of the City of London (Various Powers) Act 1987 governing street trading to enable the Corporation to facilitate events involving street trading by issuing temporary licences; to license trading by occupiers in the street outside their business premises; to enforce the regulation of street trading in the City; and to amend the process for fixing the charges made to street traders:
- (2) It is expedient to amend the provisions of the City of London (Various Powers) Act 1967 relating to city walkways to enable the City to recover certain costs and to improve parking enforcement:
- (3) It is expedient that the other provisions contained in this Act should be enacted:
- (4) The purposes of this Act cannot be obtained without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen'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:—

1 Citation

This Act may be cited as the City of London (Various Powers) Act 2013.

2 Interpretation

In this Act, “the 1987 Act” means the City of London (Various Powers) Act 1987.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Street Trading

3 Temporary street trading

- (1) The 1987 Act is amended as follows.
- (2) In section 6 (interpretation of Part 3)—
 - (a) in the definition of “licensed street trader”—
 - (i) after “person” insert “(including a temporary licence holder)”; and
 - (ii) after “by a” insert “street trading”;
 - (b) in the definition of “receptacle”, after “vehicle” insert “, trailer”;
 - (c) in the definition of “street trading licence”, at end insert “, and includes a temporary licence”; and
 - (d) at the appropriate places, insert the following definitions—

““ice cream trading” means the selling, exposing or offering for sale of items consisting wholly or mainly of ice cream, frozen confectionery or other similar commodities;

“temporary licence” means a licence granted under section 11A;

“temporary licence holder” means the holder of a temporary licence and includes any person who, by virtue of an agreement of the sort described in section 11A(5) is entitled to exercise any rights conferred by a temporary licence;”.
- (3) In section 10 (fees for street trading licences), at end insert—

“(3) In this section “street trading licence” does not include a temporary licence.”.
- (4) After section 11 insert—

“11A Temporary Licences

- (1) A temporary licence is a licence granted under this section which permits the temporary licence holder to carry on street trading—
 - (a) in the licence area specified in the licence;
 - (b) for the period (not exceeding 21 days) specified in the licence; and
 - (c) in accordance with—
 - (i) the terms and conditions of the licence;
 - (ii) subject to such terms and conditions, the information provided in connection with the application for the licence; and
 - (iii) the provisions of any agreement of the sort described in subsection (5), approved by the Corporation and specified in the temporary licence.
- (2) The Corporation may on receipt of an application for a temporary licence grant the applicant a temporary licence subject to such conditions (including conditions as to charges and the recovery of expenses) as the Corporation may determine.
- (3) An application for a temporary licence shall—
 - (a) be made in writing to the Corporation in the form and manner prescribed by the Corporation;

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- (b) be accompanied by the application fee chargeable under subsection (6); and
 - (c) provide such details as the Corporation shall from time to time determine including, but not restricted to, the information described in subsection (4).
- (4) The information referred to in subsection (3) is—
- (a) such information about the applicant as the Corporation may require;
 - (b) particulars of the articles or things in which the applicant desires to trade;
 - (c) a description of the area the applicant wishes to be specified in the temporary licence as the licence area, to be shown by reference to a plan;
 - (d) particulars of the period (not exceeding 21 days) for which the applicant desires the temporary licence to have effect;
 - (e) particulars of the days on which and the times between which the applicant desires to trade; and
 - (f) full particulars of any proposed agreement of the sort described in subsection (5).
- (5) Subsection (4)(f) refers to any proposed agreement between an applicant and any person that provides for such person to become a temporary licence holder by virtue of the temporary licence to which the application relates.
- (6) The Corporation may charge such fees for applications for and grant of temporary licences as it may determine and as may be sufficient in aggregate to cover the reasonable administrative or other costs it incurs in connection with applications under this section.
- (7) In this section “licence area” means the area, not being an area in the part of Middlesex Street described in section 7 (street trading in Middlesex Street market), which is specified in a temporary licence as the area within which street trading is permitted.”

4 Unauthorised street trading: amendment of enactments

In the City of London (Various Powers) Act 1965, in subsection (1) of section 13 (which prohibits unauthorised street trading), after “1987” insert “or in accordance with a temporary licence granted under section 11A of that Act”.

5 Temporary licences: offences

- (1) Section 16 of the 1987 Act (which provides for offences and penalties in respect of unauthorised street trading) is amended as follows.
- (2) In subsection (1), after “prescription of the licence” insert “or any provision of a temporary licence”.
- (3) After subsection (2) insert—
 - “(2A) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar

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officer of the body corporate, or any person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of the offence and liable to the same maximum penalty as the body corporate.”.

6 Increased penalties for unlicensed street trading

In section 16(3) of the 1987 Act for “level 2” substitute “level 3”.

7 Enforcement

(1) At the appropriate place in section 6 of the 1987 Act insert—

““authorised officer”, in relation to any function of the Corporation under sections 16A to 16G of this Act, means—

- (a) any officer or employee of the Corporation;
- (b) any person by whom, in pursuance of arrangements made with the Corporation, any enforcement functions under this Part fall to be discharged; or
- (c) any employee of any such person,

who is authorised in writing by the Corporation to act in relation to that function;”.

(2) After section 16 of the 1987 Act insert—

“16A Seizure

(1) Subject to subsection (2) and section 16E (seizure of perishable articles or things), if an authorised officer or a constable has reasonable grounds for believing that a person has committed an offence under section 16 (offence of unlawful street trading) the authorised officer or constable may seize—

- (a) any article or thing being offered for sale, displayed or exposed for sale; or
- (b) any other article or thing of a similar nature to that being offered or exposed for sale which is in the possession or under the control of any person who is displaying an article or thing; or
- (c) any receptacle or equipment being used by that person.

(2) An article or thing may only be seized under subsection (1) if it may be required to be used in evidence in any proceedings in respect of the offence in question, or may be the subject of forfeiture under section 16C (forfeiture of seized articles or things by court).

(3) An authorised officer shall produce the authority under which the authorised officer acts if required to do so by the person having control or possession of anything seized in pursuance of the powers in subsections (1) and (2).

16B Return of seized articles or things

(1) The provisions of this section shall have effect where any article or thing is seized under section 16A (seizure).

(2) In this section, references to proceedings are to proceedings in respect of the alleged offence in relation to which the article or thing is seized.

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- (3) Subject to subsections (8) and (9), following the conclusion of the proceedings the article or thing shall be returned to the person from whom it was seized unless—
 - (a) the court orders it to be forfeited under section 16C (forfeiture of seized articles or things by court); or
 - (b) any award of costs to the Corporation by the court, which may include removal, return and storage costs, have not been paid within 28 days of the making of the order.
- (4) Where after 28 days any costs awarded by the court to the Corporation have not been paid to the Corporation in full—
 - (a) the article or thing may be disposed of;
 - (b) any sum obtained by the Corporation in excess of the costs awarded by the court shall be returned to the person to whom the article or thing belongs; and
 - (c) when any article or thing is disposed of by the Corporation under this subsection the Corporation shall have a duty to secure the best possible price which can reasonably be obtained for that article or thing.
- (5) Subject to subsection (6), where a receptacle seized under section 16A is a motor vehicle used for ice cream trading, the Corporation or the Commissioner of Police (as the case may be) shall, within 3 days of the receipt of an application in writing by the owner or registered keeper of the vehicle, permit the person to remove it.
- (6) Subsection (5) shall not apply where—
 - (a) the owner or registered keeper of the vehicle has been convicted of an offence under this Act; and
 - (b) the offence was committed no more than 3 years before the seizure.
- (7) Subject to subsection (9) and, in the case of a motor vehicle, to section 16F (motor vehicles), the article or thing shall be returned to the person from whom it was seized—
 - (a) if no proceedings have been instituted before the expiry of 28 days beginning with the date of seizure, at the expiration of that period; or
 - (b) if proceedings instituted within that period are discontinued, on such discontinuance taking place, unless it has not proved possible, after diligent enquiry, to identify that person or ascertain the person's address.
- (8) Subsection (9) applies where the article or thing is not returned because—
 - (a) it has not proved possible to identify the person from whom it was seized or ascertain the person's address; or
 - (b) the person from whom it was seized and the owner (if different) have disclaimed or refused to accept it.
- (9) Where this subsection applies, the Corporation may make a complaint to the magistrates' court for a disposal order under section 16G (disposal orders) whether or not proceedings for an offence under this section have been commenced.