



# Canterbury City Council Act 2013

## 2013 CHAPTER i

An Act to confer powers on Canterbury City Council for the better control of street trading in the city of Canterbury. [28 February 2013]

WHEREAS—

- (1) The city of Canterbury (hereinafter called “the city”) is a district under the management and local government of Canterbury City Council (hereinafter called “the council”):
- (2) Certain powers relating to street trading in the city are exercisable by the council under the Local Government (Miscellaneous Provisions) Act 1982 and for their better enforcement it is expedient to amend that Act in its application to Canterbury and supplement those powers:
- (3) The objects of this Act cannot be attained without the authority of Parliament:
- (4) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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:—

### *Introductory*

#### **1 Citation**

This Act may be cited as the Canterbury City Council Act 2013.

#### **2 Interpretation**

In this Act—

“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982;

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“authorised officer” means an officer of the council authorised by the council in writing in compliance with section 12(1) to act for the purposes of this Act;

“the city” means the city of Canterbury;

“community support officer” means a person designated by the chief officer of the Kent police force as a community support officer under section 38 of the Police Reform Act 2002 (police powers for police authority employees);

“the council” means the Canterbury City Council;

“a relevant offence” means an offence—

- (a) under paragraph 10 of Schedule 4 to the 1982 Act; or
- (b) of aiding, abetting, counselling or procuring the commission of an offence under that paragraph,

committed on or after the day on which this Act came into force.

### **3 Application**

This Act applies so long as any resolution by the council under section 3 of the 1982 Act remains in force.

#### *Pedlars*

### **4 Pedlars**

(1) In their application to a designated area of the city, the provisions of Schedule 4 to the 1982 Act shall apply with the modifications set out in subsections (2) and (3).

(2) In paragraph 1(2)(a), there are inserted, after the reference to the Pedlars Act 1871, the words “provided the trading is carried out in accordance with subparagraph (2A) below”.

(3) After paragraph 1(2), the following sub-paragraphs are inserted—

“(2A) Trading is carried on in accordance with this sub-paragraph if—

- (a) it is carried out only by means of visits from house to house; or
- (b) all articles intended to be used for any purpose connected with the trading are carried in either or both of the following ways—
  - (i) they are carried, without any other means of support, by the holder of the pedlar’s certificate during the time in which the trading takes place; or
  - (ii) they are carried in a single, wheeled trolley which is pushed or pulled by the holder of the pedlar’s certificate and in relation to which the condition specified in subparagraph (2B) is fulfilled and, if applicable, the condition specified in sub-paragraph (2C) is fulfilled.

(2B) The condition of this sub-paragraph is that the trolley (excluding its handle and any display of articles on the trolley) does not at any point exceed—

- (a) a width of 0.75 metres;
- (b) a depth (front to back) of 0.5 metres;
- (c) a height of 1.25 metres.

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- (2C) The condition of this sub-paragraph is that if articles are displayed on the trolley, the trolley (including its handle) and the display together must not at any point exceed—
- (a) a width of 0.88 metres;
  - (b) a depth (front to back) of 0.83 metres;
  - (c) a height of 1.63 metres.
- (2D) Dimensions for the purposes of sub-paragraphs (2B) and (2C) are those measured in a horizontal plane (for width and depth) and a vertical plane (for height) when the trolley is in its intended resting position.
- (2E) In sub-paragraphs (2A) to (2D) “trolley” means any item designed or adapted for use as a container for articles and in sub-paragraphs (2B) to (2D) “display” includes, as well as the articles displayed, any stand, board, structure or other thing attached to the trolley and used to display the articles.”.
- (4) Nothing in this section shall be taken to extend the range of activities that comprise acting as a pedlar.
- (5) In subsection (1) a “designated area” means an area of the city designated for the purposes of this section by resolution of the council in accordance with subsections (7) and (8).
- (6) A designation for the purposes of this section shall have effect at all times or during such periods as may be specified in the resolution.
- (7) The council may designate an area for the purposes of this section only if it has reason to believe that it is necessary to do so to ensure road safety or prevent obstruction of the highway.
- (8) The provisions of sub-paragraphs (2) to (10) and (13) of paragraph 2 of Schedule 4 to the 1982 Act shall apply to a resolution under this section as they apply to a resolution under that paragraph but as if—
- (a) in sub-paragraph (2) for “street” there were substituted “area”;
  - (b) in sub-paragraph (3)(b) for “the street” there were substituted “the area” and for “that street” there were substituted “a street in that area”;
  - (c) in sub-paragraph (4) for “to a street” there were substituted “to an area containing a street” and for “designates as a licence street” there were substituted “relates to an area containing”;
  - (d) in sub-paragraph (8) for “such” to the end of the sub-paragraph there were substituted “a resolution for the purposes of section 4 of the Canterbury City Council Act 2013 which relates to the area or any part of it”.

#### *Fixed penalties*

### **5 Fixed penalty offences**

- (1) Where on any occasion an authorised officer, constable or (by virtue of section 13(1)) a community support officer finds a person who he has reason to believe has on that occasion committed a relevant offence in the city, the officer, constable or community support officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.