Street Trading (Regulation) Act (Northern Ireland) 1929 [F1]

1929 CHAPTER 9

An Act to enable certain local authorities to regulate the carrying on of trading in streets within their areas, and for purposes connected therewith. [11th July 1929]

Annotations:
F1 Functions transf.SR 1999/481

Ss. 1#9 rep. by 2001 c. 8 (NI)

10 Power of district council to acquire or extinguish market rights for purposes of Act.

(1) Where any rights, powers, or privileges are enjoyed by any person or persons entitling him or them to hold, or take tolls in respect of, a market in any street within the district (which rights, powers or privileges are in**[**[F2] the Street Trading Act (Northern Ireland) 2001**]** referred to as "market rights") the powers conferred upon the [[F3] district council] by this Act shall not except in accordance with an agreement made with such person or persons entitled as aforesaid be exercised in relation to trading in such street, unless the [district council] first acquire or extinguish such market rights; and the [district council] may, for the purpose of enabling them to exercise the said powers make such agreement as aforesaid or may purchase compulsorily or extinguish such market rights in accordance with the following provisions of this section:

Provided that no resolution for the compulsory purchase or extinguishment of market rights shall be passed by the [district council], except in compliance with the like requirements as are applicable to meetings and resolutions of a [district council] for the purposes of section one hundred and three of the Public Health (Ireland) Act, 1878 [M1], and no such resolution shall have effect unless approved by an order of the Ministry of Home Affairs.

(2) Where the [district council] resolve to purchase compulsorily or extinguish market rights under this section, the resolution shall be submitted to the Ministry of Home Affairs and notice thereof shall be published by the [district council] in the prescribed

manner, and such notice shall be given to the persons in whom the market rights are for the time being vested, or to such of the said persons as are known to the [district council], as may be prescribed.

(3) On the expiration of one month after the publication of the resolution the Ministry of Home Affairs, after considering all objections to the resolution which may have been presented to the said Ministry by persons in whom the market rights are vested, and after causing a local inquiry to be held (if the said Ministry thinks it necessary to do so) as to the propriety of approving of the resolution, may make an order approving of the resolution. Notice of the making and effect of any such order shall be given by the [district council] in the prescribed manner to such persons as may be prescribed.

If a local inquiry is held, the [district council] and the persons in whom the market rights are vested, and such other persons as the person holding the inquiry in his discretion thinks fit to allow, shall be permitted to appear and be heard at the inquiry, and before making the order the Ministry of Home Affairs shall consider the report of the person who held the inquiry and all objections made thereat. Sub-sections (1) and (3) of article thirty-two of the Schedule to the Local Government (Application of Enactments) Order, 1898, and section six of the Local Government Act (Northern Ireland), 1923 [M2], shall apply for the purposes of the holding of any local inquiry under this sub-section.

(4) As from a date to be specified in that behalf in any order made by the Ministry of Home Affairs as aforesaid, the market rights shall, by virtue of this section, be transferred to and vest in and be enjoyed by the [district council], or be wholly extinguished (as the case may require).

(5) Upon the transfer or extinguishment of any market rights under this section, any person in and by whom immediately before such transfer or extinguishment those rights were vested and exercisable shall be entitled to receive, and shall be paid by the [district council], compensation for such loss, if any, as may have been sustained by him by the taking from him or extinguishment of such market rights as were theretofore regularly exercised by him or any predecessor in title: provided that, within two months after the date of such transfer or extinguishment, such person delivers to the [district council] a notice in writing of his claim for compensation containing such particulars as are required by**[**[F4] Article 5 of the Land Compensation (Northern Ireland) Order 1982**]**, to be given in the notices of claim referred to in that section.

(6) Any compensation payable under the provisions of this section shall be of such amount as may be agreed between the [district council] and the person claiming the same, or as (failing such agreement) shall be determined by [[F5] the Lands Tribunal for Northern Ireland] under the**[**[F4] Land Compensation (Northern Ireland) Order 1982**]**, and such determination shall be made in accordance, as far as applicable, with the provisions of the said Act.

Any compensation so payable shall be paid to the person entitled thereto, as soon as practicable after the amount thereof has been agreed or determined as aforesaid, together with interest thereon at the rate of five per centum per annum calculated from the date of transfer or extinguishment of the market rights to the date of payment.

(7) Within three months after any payment of compensation as aforesaid, the [district council] shall produce to the Ministry of Finance**[**[F6] and Personnel**]** a copy of the order made by the**[**[F6] Department of Health and Social Services**]** under sub-section (3) of this section, stamped with the same ad valorem duty in respect of such payment as would be payable upon a deed of release or renunciation of a right or interest in property