



## 2001 CHAPTER 8

### *Supplementary*

#### **General interpretation**

**25.—(1)** In this Act—

“authorised officer” means a person authorised by a council for the purposes of this Act;

“conditions”, in relation to a street trading licence, means conditions specified under section 7;

“council” means a district council;

“the Department” means the Department for Social Development;

“designated street” has the meaning given in section 3(2);

“designating resolution” has the meaning given in section 3(2);

“district” has the meaning given in section 148(1) of the Local Government Act (Northern Ireland) 1972 (c. 9);

“mobile trader” means a person authorised by a street trading licence to trade from a vehicle which goes from place to place, stopping for a time for the purpose of trading;

“receptacle” includes—

- (a) a vehicle, trailer or stall;
- (b) any basket, bag, box, vessel, stand, easel, board or tray; and
- (c) anything which is used (whether or not constructed or adapted for such use) as a container for, or for the display of—
  - (i) any article or thing, or
  - (ii) any equipment used in the supply of a service;

“sell” shall be construed in accordance with section 1(3);

“stationary trader” means a person authorised by a street trading licence to trade from a street trading pitch;

“statutory provision” has the meaning given in section 1(f) of the Interpretation Act (Northern Ireland) 1954 (c. 33);

“street trading” has the meaning given in section 1(2);

“street trading licence” means a licence granted under this Act, but excludes a temporary licence;

“street trading pitch” means the location at which a stationary trader is authorised by a street trading licence to engage in street trading;

“supply” shall be construed in accordance with section 1(3);

“temporary licence” means a licence granted under section 14;

“thing” includes a living thing.

(2) References in this Act to premises include references to their curtilages.

(3) In this Act “street” includes—

(a) any road or footpath within the meaning of Article 2(2) of the [Road Traffic \(Northern Ireland\) Order 1995 \(NI 18\)](#);

(b) any public place within the meaning of subsection (4); and

(c) any part of a street.

(4) In subsection (3) “public place” means a place in the open air within 10 metres of a road or footpath—

(a) to which the public has access without payment, but

(b) which is not within enclosed premises or the curtilage of a dwelling.

### **Minor and consequential amendments**

**26.** The minor and consequential amendments specified in Schedule 2 shall have effect.

### **Transitional provisions and saving**

**27.—**(1) Any existing licence in force immediately before the day appointed for the coming into operation of this Act—

(a) shall on and after that day be deemed to be a street trading licence granted by the council for the district in which the holder of the existing licence is authorised to trade, and

(b) shall remain in force, unless revoked, until 31st December next following that day.

(2) In subsection (1) “existing licence” means a licence under the Street Trading (Regulation) Act (Northern Ireland) 1929 (c. 9).

(3) Nothing in this Act shall affect section 13 of the Markets and Fairs Clauses Act 1847 (c. 14) (sales elsewhere than in markets or in shops, &c., prohibited) as applied by any other statutory provision.

### **Repeals**

**28.** The statutory provisions specified in Schedule 3 are repealed to the extent there specified.

### **Commencement**

**29.—**(1) This Act, except this section and section 30, shall come into operation on such day as the Department may by order appoint.

(2) An order under subsection (1) may make such transitional provision as appears to the Department to be necessary or expedient in connection with the provisions brought into operation by the order.

### **Short title**

**30.** This Act may be cited as the Street Trading Act (Northern Ireland) 2001.