



## 2001 CHAPTER 8

### *Licensing of street traders*

#### **Appeals**

**13.—**(1) A person aggrieved by a decision of a council—

- (a) with respect to any condition specified in a street trading licence;
- (b) to refuse, other than on any of the grounds specified in section 8, an application for a street trading licence;
- (c) to grant an application for a street trading licence subject to any condition of a kind mentioned in subsection (2) of section 9;
- (d) to revoke a street trading licence under section 10;
- (e) to vary under subsection (1)(b) or (2) of section 11 the conditions specified in a street trading licence; or
- (f) to refuse to vary under subsection (1)(a) of that section the conditions specified in a street trading licence;

may, at any time before the expiration of the period of 21 days from the date on which notice of the decision is given, appeal to a court of summary jurisdiction by notice under Part VII of the [Magistrates' Courts \(Northern Ireland\) Order 1981 \(NI 26\)](#).

(2) On an appeal under subsection (1), a court of summary jurisdiction may make such order as it considers appropriate and, subject to subsections (3) to (5), the council shall give effect to that order.

(3) Where a street trading licence is revoked under section 10(1) or an application for the renewal of such a licence is refused, the licence shall be deemed to remain in force—

- (a) until the time for bringing an appeal under this section has expired;

- (b) where an appeal is duly brought, until the determination or abandonment of the appeal;
  - (c) where an appeal relating to the refusal of an application for such a renewal is successful, until the licence is renewed by the council.
- (4) Where the conditions of a licence are varied under section 11(1)(b), the variation shall be deemed not to have effect until the time for bringing an appeal under this section has expired.
- (5) Where an appeal is brought under this section against such a variation, the variation shall be deemed not to have effect until the determination or abandonment of the appeal.