

**ELIZABETH II**



**1965 CHAPTER xxxix**

An Act to make provision with respect to streets and street trading in the city of London; to confer further powers upon the Corporation of London; and for other purposes. [5th August 1965]

**W**HEREAS—

(1) It is expedient that further powers should be conferred upon the Corporation with respect to street improvements and that further provision be made for the protection of streets and for the safety of the public in streets in the city of London:

(2) The construction of highway improvements in the London borough of Tower Hamlets will necessitate the termination of street trading by certain persons in a part of Middlesex Street in that borough and it is expedient that provision be made to authorise the carrying on of street trading in a part of Middlesex Street in the city in substitution therefor and to make further provision with respect to street trading in the city:

(3) It is expedient that further provision be made with respect to the collection of house refuse and trade refuse in the city, the area of jurisdiction of the Corporation as the port health authority for the port of London, finance and other matters and that the other provisions contained in this Act should be enacted:

(4) The objects of this Act cannot be attained 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, that is to say:—

## PART I

### PRELIMINARY

Short title. 1. This Act may be cited as the City of London (Various Powers) Act 1965.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—

Part I.—Preliminary.

Part II.—Streets.

Part III.—Street trading.

Part IV.—Finance and miscellaneous.

Interpretation. 3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—

“city” means the city of London;

“Corporation” means the mayor and commonalty and citizens of the city acting by the common council;

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force;

“street” means any street, way or place over which the public have a right of passage or any part (being a part over which the public have a right of passage) of any street, way or place.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART II

STREETS

4. In this Part of this Act—

Interpretation  
for Part II.

“owner” in relation to any land or building has the same meaning as in section 33 (Interpretation of Part V) of the London Building Acts (Amendment) Act, 1939; c. xcvi.

“street improvement” means any work carried out by the Corporation in the city under powers conferred by Part V of the Highways Act, 1959, other than sections 83 c. 25. and 84 thereof.

5.—(1) Without prejudice to the provisions of any other enactment, where any building or structure or part of a building or structure is demolished by the Corporation in connection with the carrying out of a street improvement leaving exposed a wall of adjoining premises, the Corporation may—

Boundary  
walls.

(a) with the consent of the owner of those adjoining premises, carry out at their own expense any works which they consider to be reasonably necessary or desirable for either or both of the following purposes, that is to say, for—

- (i) weatherproofing the surface of the wall;
- (ii) restoring or improving the appearance of the wall; or

(b) make such contribution, if any, as they think fit towards any expenses incurred by the owner or occupier of those adjoining premises in carrying out works for either or both of the purposes referred to in the foregoing paragraph:

Provided that where in the opinion of the Corporation any consent required for the carrying out of works proposed by them for the purposes mentioned in sub-paragraph (ii) of paragraph (a) of this subsection is unreasonably withheld, and the appearance of the wall in question is, or unless such works are carried out will be, detrimental to the general appearance of the street improvement, they may apply to the magistrates' court, by way of complaint, for an order, and the court may either order the carrying out of the proposed works subject to such conditions, if any, as the court thinks fit, or disallow the carrying out of those works.

(2) Either party to any proceedings on a complaint to the magistrates' court under the proviso to the foregoing subsection may appeal against the decision of that court to a court of quarter sessions.

(3) An officer or servant of the Corporation, or of their contractor, acting in pursuance of an order of the magistrates' court or of the court of quarter sessions made in pursuance of the

PART II  
—cont.

foregoing provisions of this section, and after the giving of not less than twenty-four hours' notice to the occupier of the land on which the exposed wall is situated may, at all reasonable times, and on producing, if so required, some duly authenticated document showing his authority, enter on such land for the purpose of carrying out in compliance with the said order the works referred to therein.

(4) Nothing in this section, nor the carrying out of any works thereunder, shall impose upon the owner of any such adjoining premises as are referred to in subsection (1) of this section any liability which would not have been imposed upon him if this section had not been enacted and the said works had not been carried out, other than the liability to comply with the terms of any order made by a court under this section.

Underpinning  
of houses  
near a street  
improvement.

6. The Corporation at their own costs and charges may, subject as hereinafter provided, underpin or otherwise strengthen any house or building within 100 feet of any street improvement carried out or to be carried out by them, and for that purpose the following provisions shall have effect, that is to say:—

- (1) At least twenty-eight days' notice shall, except in case of emergency, be given to the owners and occupiers of the house or building intended to be so underpinned or otherwise strengthened:
- (2) If any owner or occupier of any such house or building shall, within fourteen days after the giving of such notice, give a counter-notice in writing that he disputes the necessity for such underpinning or other strengthening, the question of the necessity shall be settled by arbitration:
- (3) The Corporation shall be liable to compensate the owners and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section, provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (4) In any case in which any house or building shall have been underpinned or otherwise strengthened under the powers of this section the Corporation may, from time to time after the completion of such underpinning or other strengthening and during the execution of the work in connection with which such underpinning or other strengthening was done, or within twelve months after the opening for traffic of that work, enter upon and survey such house or building and do such further underpinning or other strengthening thereof as

they may deem necessary or expedient or, in case of dispute between the Corporation on the one hand and the owner or occupier of the house or building on the other hand, as shall be settled by arbitration:

- (5) If in any such case as is referred to in the last foregoing paragraph the underpinning or other strengthening done by the Corporation shall at any time within five years from the opening for traffic of the work in connection with which such underpinning or other strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution of such work, the Corporation shall make compensation to the owner and occupier of the house or building for such injury, provided that the claim for compensation in respect thereof be made within three months from the discovery thereof:
- (6) Except in case of emergency, the Corporation, when proposing to exercise the powers of this section, shall consult with the London Transport Board in regard to any underpinning or other strengthening which the Corporation intend to carry out in connection with any house or building within 50 feet of any railway, or works or buildings connected with any railway, belonging to or occupied by the London Transport Board:
- (7) In relation to any works carried out by the Corporation for the underpinning or strengthening of any house or building under this section, being works to which, apart from this paragraph, the provisions of Part II of, and Schedule 4 to, the Public Utilities Street Works Act, 1950 (which regulate the relations between an authority c. 39. carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if—
  - (a) the works were executed for road purposes by an authority mentioned in subsection (1) of section 21 of that Act and were included in the works mentioned in paragraph (a) of that subsection; and
  - (b) where the apparatus affected is not in a street or in controlled land abutting on a street, that apparatus were in a street:
- (8) Nothing in this section contained, nor any dealing with any property in pursuance of this section, shall relieve the Corporation from the liability to compensate under section 68 of the Lands Clauses Consolidation Act, 1845, or under any other enactment: c. 18.
- (9) Every case of compensation to be ascertained under this section shall be determined in case of dispute by the

PART II  
—cont.

c. 33.

Lands Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of the interest of the owner or occupier of the house or building, rules 2 to 4 of the rules set out in section 5 of the Land Compensation Act, 1961, shall apply:

- (10) Any question or difference which pursuant to this section is to be settled by arbitration shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or, failing such agreement, to be appointed on the application of either party, after notice in writing to the other of them, by the President of the Institution of Civil Engineers.

Penalty for  
obstruction.

7. A person who wilfully obstructs any person acting in pursuance of the powers conferred by subsection (3) of section 5 (Boundary walls) or section 6 (Underpinning of houses near a street improvement) of this Act shall be liable on summary conviction to a fine not exceeding ten pounds.

Excavations  
near streets.

8.—(1) This section applies to any excavation made after the passing of this Act on any land in the city within 30 feet from any street which is a highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the street with the vertical plane of the boundary of the street nearest to the excavation, but does not apply to any excavation made in, or for the purpose of, carrying out undertakers' works within the meaning of the Public Utilities Street Works Act, 1950.

c. 39.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for any street in relation to which this section applies to the excavation, and if the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of support as aforesaid for any such street so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the street by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Highways Act, 1959, applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any liability in civil proceedings for breach of an obligation, be guilty of an offence under this section.

c. 25.

(3) A person guilty of an offence under this section shall be liable, on conviction on indictment or on summary conviction, to a fine:

PART II  
—cont.

Provided that an offence under this section shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(4) Subject to the provisions of section 10 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section, the owner of the land on which an excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

9.—(1) This section applies to building operations, being operations for the construction, repair or demolition of any building, carried out on land in the city. Building operations affecting public safety.

(2) Any person who, after the passing of this Act, carries out building operations to which this section applies shall secure that the operations are so carried out as to cause no danger to persons in any street, and if in the course of the carrying out of such building operations there is any accident which gives rise to the risk of serious bodily injury to a person in a street, whether or not the death or disablement of any person is caused thereby, or which, but for the taking by or on behalf of the Corporation of steps to remove immediate danger under Part VII (Dangerous and neglected structures) of the London Building Acts (Amendment) Act, 1939, would give rise to such risk, the person responsible for the part of the building operations in the course of the carrying out of which such accident happens shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section. c. xcvi.

(3) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(4) Subject to the provisions of section 10 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section, the owner of the land or building on which building operations are carried out shall be taken as being the person responsible for those operations.

(5) In any proceedings for an offence under this section it shall be a defence to prove that all reasonably practicable steps were taken to secure that the building operations were carried out so as to avoid causing danger to persons in any street.

PART II  
—cont.  
Exemption  
of owner  
from  
liability on  
conviction  
of actual  
offender.

10.—(1) Where proceedings are brought under section 8 (Excavations near streets) or section 9 (Building operations affecting public safety) of this Act against the owner of any land or building he shall be entitled, on information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention to do so, to have brought before the court in the proceedings—

(a) any other person who has undertaken to be responsible—

(i) in the case of proceedings for an offence under the said section 8, for the making of the excavation in question or the execution of the works in question; or

(ii) in the case of proceedings for an offence under the said section 9, for the building operations or part thereof in question; or

(b) any other person who, by reason of the fact that he had in his charge or subject to his direction the making of the excavation, the execution of the works or the carrying out of the building operations or part thereof (as the case may be), ought to be taken to be responsible as aforesaid;

being the person whom the owner charges as the offender; and if after the commission of the offence has been proved the owner proves to the satisfaction of the court that the offence was committed without his consent, connivance or wilful default the owner shall not be guilty of the offence, and if it is proved that the offence was committed by the person whom the owner charges as the offender that person shall be convicted of the offence and shall, in the discretion of the court, be liable to pay any costs incidental to the proceedings.

(2) The prosecution as well as the person whom the owner charges as the offender shall have the right in any such case as aforesaid to cross-examine the owner, if he gives evidence, and any witnesses called by him in support of his charge and to call rebutting evidence.

(3) Where the Corporation are reasonably satisfied—

(a) that a person other than the owner has undertaken to be responsible, or ought to be taken to be responsible, as aforesaid and should be charged as the offender; and

(b) that the offence has been committed without the consent, connivance or wilful default of the owner;

they shall proceed against the person whom they consider to be the offender without first proceeding against the owner.



11.—(1) Where an offence under section 9 (Building operations affecting public safety) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

PART II  
—cont.

Liability of  
directors, etc.

(2) In the foregoing subsection “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

### PART III

#### STREET TRADING

12. In this Part of this Act, unless the subject or context otherwise requires—

Interpretation  
for Part III  
of Act.

“the Act of 1911” means the City of London (Various Powers) Act, 1911;

c. lxxxiv.

“the appointed day” means the 1st January, 1966;

“article or thing” includes any living thing;

“licensed street trader” means a person licensed to engage in street trading by a licence granted under this Part of this Act;

“receptacle” includes a vehicle or stall and any basket, bag, box, vessel, stand, easel, board, tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for, or for the display of, any article or thing;

“registered street trader” means a person registered as a street trader under section 24 (Street trading) of the Act of 1911;

“street traders’ certificate” means a certificate issued to a registered street trader under the said section 24;

“street trading” means the selling or exposing or offering for sale of any article or thing in a street;

“street trading licence” means a licence to engage in street trading granted under this Part of this Act.

13.—(1) As from the appointed day, notwithstanding the provisions of section 24 (Street trading) of the Act of 1911 or anything done thereunder, it shall be unlawful for any person to engage in street trading in the city except as provided in subsection (2) or subsection (3) of this section.

Prohibition of  
unauthorised  
street  
trading.

PART III  
—cont.

(2) A person who is a licensed street trader may, subject to the provisions of this Part of this Act, engage in street trading in that part of Middlesex Street in the city which lies between the junctions of that street with Widegate Street and Sandys Row at any time between the hours of 9 a.m. and 2 p.m. on Sundays other than Christmas Day when that day falls on a Sunday.

(3) A person who is a registered street trader may, subject to the provisions of this Part of this Act, engage in street trading in any street in the city except that in the part of Middlesex Street referred to in subsection (2) of this section he shall not engage in street trading at any time on Sundays other than Christmas Day when that day falls on a Sunday.

(4) For the purposes of this Part of this Act a person shall be deemed to engage in street trading on any occasion on which he sells or exposes or offers for sale any article or thing in a street whether or not he regularly carries on the business of street trading.

Registered  
street  
traders.

14.—(1) Notwithstanding the repeal by this Act of provisions of section 24 (Street trading) of the Act of 1911 street traders' certificates issued under that section shall, subject to the following provisions of this section, continue in force, but the Corporation may require any person who has in his possession such a certificate to show that he is the person named in the register of street traders prepared under the said section 24 to whom the certificate was issued.

(2) If it shall appear to the Corporation—

(a) that the name of a registered street trader to whom a street traders' certificate was issued has, by reason of the death of the trader or by order of a court made before the appointed day under subsection (7) of the said section 24, been removed from the register of street traders; or

(b) that on account of his being no longer able to engage in street trading, or on account of his having been convicted on indictment of an offence committed in connection with the exercise of his rights as a street trader, the name of a registered street trader ought to be removed from the said register;

they shall cancel the certificate issued to him:

Provided that the Corporation shall not cancel any street traders' certificate unless they shall have given to the person in whose possession that certificate was found not less than seven days' notice in writing of the proposed cancellation and (if so required by him in writing within three days of the receipt of such notice) shall have afforded him an opportunity of being heard against such cancellation.

(3) If, in a case referred to in paragraph (b) of subsection (2) of this section, the Corporation cancel a street traders' certificate, they shall notify the Commissioner of the City Police who shall thereupon remove from the register of street traders the name of the person to whom the certificate was issued.

15.—(1) The Corporation shall, save as provided in subsection (5) of section 16 (Street trading licences) of this Act, on the application of an existing Middlesex Street trader made in accordance with the provisions of this Part of this Act within six months from the passing of this Act, grant to any such trader a street trading licence to engage in street trading in that part of Middlesex Street in the city which lies between the junctions of that street with Widegate Street and Sandys Row, which licence shall be valid as from the date on which such person is required to cease street trading in the part of Middlesex Street in the London borough of Tower Hamlets referred to in subsection (2) of this section until the 31st December next following that date, and a person to whom a licence is so granted may engage in street trading in accordance with the terms of the licence and subject to the provisions of this Part of this Act.

Street trading  
in Middlesex  
Street.

(2) In this section the expression "existing Middlesex Street trader" means a person who on the 5th December, 1964, is authorised by a street trading licence (other than a temporary licence) or a street trading registration under Part IV of the London County Council (General Powers) Act, 1947, to engage in street trading in that part of Middlesex Street in the London borough of Tower Hamlets which lies between the junctions of that street with Aldgate Avenue and Aldgate High Street and Whitechapel High Street and includes a person who acquires such a street trading licence after the 5th December, 1964, on the nomination, under section 33 of the London County Council (General Powers) Act, 1962, of a person so authorised to engage in street trading in the said part of Middlesex Street.

c. xlvi.

c. xlv.

16.—(1) A person requiring a street trading licence in pursuance of section 15 (Street trading in Middlesex Street) of this Act, or the renewal of any such street trading licence, shall make application in writing to the Corporation and shall in such application state—

Street trading  
licences.

- (a) his full name and address;
- (b) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;
- (c) the place, if any, at which the articles or things will be stored by him at all times while they are not exposed or offered for sale; and

PART III  
—cont.

(d) the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale.

(2) (a) A person so making application to the Corporation for a street trading licence within six months from the passing of this Act may specify the name and address of a relative of his who is associated with, or dependent upon, the business of street trading in respect of which the application is made and to whom he desires the licence to be granted in the event of his death.

(b) If, within a period of twenty-one days from the date of the death of the holder of a street trading licence who has specified the name and address of a relative to whom he desires the licence to be granted, the person so specified by the deceased licensee makes application for the grant of a street trading licence in respect of the position or place in Middlesex Street at which the deceased licensee was entitled to sell or expose or offer for sale articles or things under the authority of his licence, the Corporation shall, save as provided by subsection (5) of this section, grant a street trading licence to that person.

(c) For the purposes of this subsection a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece or first cousin of the former, and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of an adoption.

(3) An application for the renewal of a street trading licence shall be made not later than two months or earlier than three months before the date on which that licence, unless revoked or surrendered, will cease to be valid:

Provided that nothing in this section shall prevent the Corporation from renewing a street trading licence notwithstanding that application has been made for such renewal at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

(4) As soon as reasonably practicable after the receipt of an application under this section, the Corporation shall (save as provided by the next following subsection) grant a street trading licence to the applicant or renew his street trading licence.

(5) The Corporation may refuse to grant or renew a street trading licence or may at any time revoke or vary a street trading licence granted by them if—

(a) the applicant or licensee is, on account of misconduct or for any other sufficient reason, in their opinion unsuitable to hold such licence; or

- (b) the space available in Middlesex Street to which the application relates or which is prescribed by the licence is, at the date of such application, or becomes at any time after the grant of such licence, insufficient to permit of the applicant or licensee engaging therein in any street trading, or in the particular street trading proposed to be or actually carried on by him, without causing undue interference with, or inconvenience to, traffic in such street; or
- (c) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the Corporation under this Part of this Act; or
- (d) the licensee has for a period of not less than four weeks not exercised, or not fully exercised, his rights under the licence:

Provided that—

- (i) the Corporation shall not refuse to grant or renew, and shall not revoke, a street trading licence on the ground only that the applicant or licensee does not reside in the city;
- (ii) the Corporation shall not refuse to renew, and shall not revoke or vary, a street trading licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that objection has been or will be taken to such renewal or that such a revocation or variation is proposed, and (if so required by him in writing within three days after the receipt of such notice) they shall have afforded him an opportunity of being heard against such refusal, revocation or variation.

(6) If the Corporation refuse to grant or renew a street trading licence or revoke or vary a street trading licence they shall, if required by the applicant or licensee, deliver to him, within seven days after the receipt of such requirement, particulars in writing of the ground or grounds for such refusal, revocation or variation.

(7) A street trading licence shall prescribe—

- (a) the position or place in Middlesex Street in the city at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence;
- (b) the class or classes of articles or things which the licensee may so sell or expose or offer for sale;

PART III  
—cont.

- (c) the nature and type of any receptacle which may be used by the licensee in connection with any sale or exposure or offer for sale and the number of such receptacles which may be so used;
- (d) the form and content of a plaque to be displayed on any receptacle used by the licensee to provide means of identifying the licensee;
- (e) whether the licensee may employ any other person to assist him in the conduct of his business authorised by the licence.

(8) On any occasion of the renewal of a street trading licence the Corporation may vary the prescriptions made under subsection (7) of this section.

(9) A street trading licence shall, unless revoked or surrendered, be valid for a period expiring on the 31st December next following the date of the grant or renewal of the licence.

Fees on  
licences.

**17.—**(1) Any person making application for the grant or renewal of a street trading licence shall, when making the application, pay to the Corporation in respect thereof a fee of ten shillings.

(2) Where the Corporation refuse to grant or renew a street trading licence, they shall repay to the person who made the application therefor the amount of the fee paid by him on making such application.

Appeal  
against  
refusal of  
licence, etc.

**18.—**(1) Any person aggrieved by—

- (a) a decision of the Corporation to cancel a street traders' certificate; or
- (b) the refusal of the Corporation to grant or renew a street trading licence, or by the revocation or variation by the Corporation of a street trading licence, or by any prescription made by the Corporation under subsection (7) of section 16 (Street trading licences) of this Act;

may appeal to the magistrates' court, and on any such appeal the court may confirm, reverse or vary the decision of the Corporation and may award costs:

Provided that any such appeal shall be brought within fourteen days from the date on which the cancellation, refusal, revocation, variation or prescription which is the subject of the appeal is notified to such person as aforesaid by the Corporation.

(2) When any decision of the Corporation under this Part of this Act is notified to any person and that person has a right to appeal to the magistrates' court against that decision by virtue of this section, the Corporation shall at the same time notify that person in writing—

PART III  
—cont.

- (i) that if he is aggrieved by the decision he may appeal to the magistrates' court; and
- (ii) of the effect of the provisions relating to any such appeal contained in the proviso to subsection (1) of this section.

19. The Corporation may make and recover from licensed street traders charges—

Charges to licensed street traders.

- (a) for the removal of refuse or other services rendered by them to such licensees; and
- (b) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of that part of Middlesex Street in the city in which street trading takes place;

not exceeding the amounts which may be prescribed in relation to those matters respectively by byelaws made under this Part of this Act.

20. The Corporation may sell or let on hire to registered street traders and licensed street traders containers for the deposit of refuse arising in the course of street trading.

Power to provide containers for refuse.

21.—(1) The Corporation may make byelaws relating to the carrying on of street trading by registered street traders and licensed street traders for regulating the following matters, that is to say:—

Byelaws as to street trading.

- (a) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles or things intended to be sold or exposed or offered for sale;
- (b) the deposit and removal of refuse and the containers to be used for the deposit of such refuse pending its removal;
- (c) the allocation, maximum dimensions and arrangement of receptacles;
- (d) any other conditions under which articles or things may be sold or exposed or offered for sale;
- (e) the manner in which street trading is carried on;

PART III  
—cont.

(f) the charges which may be made under section 19 (Charges to licensed street traders) of this Act; and

(g) the wearing of street traders' badges and the production, when required to do so, of street traders' certificates or street trading licences.

(2) Nothing in the byelaws made under this section shall be deemed to make it an offence for a registered street trader—

(a) to engage in street trading under the authority of the street traders' certificate granted to him at any time at which he would have been entitled to engage in such street trading if the byelaws had not been made; or

(b) to use in connection with such street trading any receptacle which he would have been entitled so to use if the byelaws had not been made.

(3) The Secretary of State shall be the confirming authority for byelaws made under this section.

(4) The notice of intention to apply for confirmation of byelaws made by the Corporation under this section, given in accordance with the provisions of section 250 of the Local Government Act, 1933, shall comply with rules made by the Secretary of State for the publication of byelaws made under Part VII (Regulation of Street Trading) of the London County Council (General Powers) Act, 1957, and before applying for confirmation of such byelaws the Corporation shall give such other notice of their intention as may be prescribed in those rules.

c. 51.

c. xxxv.

Offences,  
penalties, etc.

22.—(1) Any person who contravenes the provisions of section 13 (Prohibition of unauthorised street trading) of this Act or who, being authorised to engage in street trading by a street trading licence, engages in street trading contrary to any prescription of the licence, shall be guilty of an offence:

Provided that where any person has brought an appeal under this Part of this Act against the decision of the Corporation to cancel a street traders' certificate, or against the refusal of the Corporation to renew a street trading licence, or against the revocation or variation of a street trading licence, or against any prescription of a street trading licence which has been renewed, such certificate or licence shall, until such appeal has been heard and determined or has been abandoned, be deemed for the purposes of this subsection not to have been cancelled or to have been renewed, or not to have been revoked or varied, or to have been renewed without any variation of the prescriptions thereof, as the case may be.



(2) Any person who by wilful misrepresentation obtains a street trading licence or the renewal of any such licence shall be guilty of an offence.

PART III  
—cont.

(3) As from the appointed day any person who—

- (a) being a registered street trader lends, transfers or assigns his street traders' certificate or badge to any other person; or
- (b) accepts from a registered street trader for the purpose of engaging in street trading the street traders' certificate or badge issued to that trader;

shall be guilty of an offence.

(4) Every person guilty of an offence under this section shall be liable to a fine not exceeding ten pounds or, if he has been previously convicted of any such offence, to a fine not exceeding fifty pounds.

23. In any proceedings for an offence under section 22 (Offences, penalties, etc.) of this Act, where it is shown that any article or thing was displayed in or on any receptacle in a stationary position in any street, that article or thing shall be presumed to have been exposed or offered for sale (at such time and in such position at which it was so displayed) by the person in charge, or appearing to be in charge, thereof unless it is shown to the satisfaction of the court that the article or thing was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale in a street.

Evidence of  
street trading  
in proceedings.

24.—(1) Nothing in this Part of this Act shall apply to a person who sells or exposes or offers for sale newspapers or periodicals in a street unless he uses for that purpose a receptacle which occupies a stationary position in a street and, in a case where he sells or exposes or offers for sale only daily, weekly or Sunday newspapers, such receptacle—

Saving for  
newsvendors  
and  
itinerant  
traders.

- (a) exceeds 3 feet in height; or
- (b) occupies a position extending over a portion of the footway of the street measuring more than 2 feet 6 inches in any direction or exceeding 3 square feet in area; or
- (c) occupies a position extending over a portion of the carriageway of the street.

(2) Nothing in this Part of this Act shall apply to a trader who is for the time being carrying on business with persons residing or

PART III  
—cont.

employed in premises in, or abutting on, a street in respect of any street trading conducted by him in the course of that business unless he permits any receptacle used by him to occupy a stationary position in the street for an unreasonable time.

Saving for  
general  
enactments.

25. Nothing in this Part of this Act shall exempt any person from, or shall alter or affect the operation of, the provisions of any enactment relating to the obstruction of traffic in highways.

Saving for  
sales in  
legal markets  
or fairs.

26. In the case of any market or fair held in pursuance of any statute, royal licence, royal charter or letters patent, or as of right from time immemorial, nothing in this Part of this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to, or is acting under the written authority of, a person holding or entitled to hold such market or fair or entitled to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Repeal of  
provisions of  
section 24 of  
City of London  
(Various  
Powers) Act,  
1911.  
c. lxxxiv.

27.—(1) Except as provided in subsection (2) of this section, on the appointed day section 24 (Street trading) of the Act of 1911 shall be hereby repealed.

(2) The words in subsection (11) of the said section 24 beginning with the words “ it shall be lawful ” to the end of that subsection shall continue in force and shall have effect as if for the words “ so offending ” there were substituted the words “ offending against the provisions of section 13 (Prohibition of unauthorised street trading) of the City of London (Various Powers) Act 1965 ”.

Notification  
of provisions  
of Part III  
of Act.

28. The Corporation shall as soon as may be after the passing of this Act give public notice of the provisions of this Part of this Act so far as may appear to them to be necessary for the information of registered street traders who may be affected by the coming into operation of those provisions.

## PART IV

## FINANCE AND MISCELLANEOUS

Power to  
provide  
dustbins.

29. The Corporation may, as respects any premises in the city, provide and maintain such number of dustbins for the reception of house refuse or trade refuse as they may consider necessary.

Interpretation  
of foregoing  
section and  
amendment of  
enactments.  
c. xxviii.

30.—(1) Section 29 (Power to provide dustbins) of this Act shall be deemed to have had effect as from the 1st April, 1965, and shall be construed as one with Part III of the City of London (Various Powers) Act, 1961.

(2) The said section 29 shall not prejudice or affect the powers of the Corporation, under section 30 (Receptacles for refuse) of the City of London (Various Powers) Act, 1961, to require the owner or occupier of any premises to provide dustbins for the reception of house refuse or trade refuse and accordingly, as from the said 1st April, 1965, subsection (5) of the said section 30 shall be deemed to have had effect as if for the words "subsections (1) to (4) of section 11 (Power to sanitary authority to provide dustbins) of the London County Council (General Powers) Act, 1954" therein there were substituted the words "section 29 (Power to provide dustbins) of the City of London (Various Powers) Act, 1965".

PART IV  
—cont.  
c. xxviii.  
c. xxiv.  
c. 49.

(3) The provisions of subsection (3) of section 75 of the Public Health Act, 1936 (which relate to the provision of dustbins for the reception of house refuse) shall not apply to the Corporation.

**31.** The area within which the Corporation may exercise jurisdiction as the port health authority for the port of London shall be extended to include the waters within the seaward limit of the port of London set out in the Port of London (Consolidation) Act, 1920, as amended by the Port of London (Extension of Seaward Limit) Act, 1964, and accordingly there shall be added at the end of the definition of "Port of London" in section 89 (1) of the London Government Act, 1963, the following words:—

Extension of  
port health  
district for  
port of  
London.  
c. clxxiii.  
c. ii.  
c. 33.

"together with all such waters between the seaward limit of the port as so established and imaginary straight lines drawn from latitude 51° 37' 00" north, longitude 00° 57' 19" east (Foulness Point in the county of Essex) to latitude 51° 46' 05" north, longitude 01° 20' 32" east (Gunfleet Old Lighthouse) and thence to latitude 51° 26' 36" north, longitude 01° 25' 30" east and thence to latitude 51° 24' 55" north, longitude 00° 54' 21" east (Warden Point in the county of Kent) as are for the time being within the territorial waters of Her Majesty's dominions".

**32.—**(1) Where the Corporation have paid in advance to any person any sum to which this section applies and such person dies before the expiration of the period in respect of which such payment is made, the Corporation shall not be required to demand the return of any portion, not being more than twenty-five pounds, of such payment.

Recovery of  
sums paid to  
officers, etc.

(2) This section applies to sums paid on account of—

(a) salary or wages;

PART IV  
—cont.

- c. xxxi. (b) superannuation allowance or other benefit payable out of the superannuation fund maintained by the Corporation;
- (c) compensation payable under section 16 (Compensation to clerks and collectors) of the City of London (Tithes) Act, 1947.

(3) In any case where the Corporation exercise the powers of subsection (1) of this section in respect of any payment on account of superannuation allowance or other benefit they shall transfer from the general rate to the superannuation fund maintained by them the amount which, but for the exercise of those powers, would have been returnable to the fund.

Application  
of provisions  
of Local  
Government  
(Financial  
Provisions)  
Act, 1963.  
c. 46.

33.—(1) The provisions of sections 6 and 8 of the Local Government (Financial Provisions) Act, 1963 (which respectively empower local authorities to incur expenditure which is in the interests of their area or its inhabitants but is not otherwise authorised and to suspend annual provision for repayment of, and to borrow for payment of interest on, borrowed moneys) shall extend and apply to the Corporation as if they were the council of a London borough, and for that purpose those provisions shall have effect subject to the modifications specified in subsections (2) and (3) of this section and to any other necessary modifications.

(2) In its application to the Corporation the said section 6 shall be modified by the substitution for subsection (4) thereof of the following subsection:—

- c. cxxxiii. “(4) A separate account of expenditure under this section shall be kept and the provisions of section 17 (Chamberlain to pay all sums of money ordered by Common Council) of the City of London Sewers Act, 1897, requiring books of accounts to which that section applies to be available for inspection and copying by ratepayers, shall apply in relation to such separate account as aforesaid.”

(3) In its application to the Corporation the said section 8 shall be modified as follows:—

- (a) for the references therein to the commencement of the Local Government (Financial Provisions) Act, 1963, there shall be substituted references to the commencement of this Act:

- (b) for subsection (6) thereof there shall be substituted the following subsection:—

“ (6) Section 222 (Sinking Fund to be formed to pay off monies borrowed on the credit of the

consolidated rate) of the City of London Sewers Act, 1848, as having effect in accordance with the provisions of section 15 (General rate) of the City of London (Union of Parishes) Act, 1907, and section 5 (Period for repayment of moneys borrowed under Sewers Acts) of the City of London (Various Powers) Act, 1939, shall have effect subject to the provisions of this section ”:

PART IV  
— cont. —

c. clxiii.

c. cxl.

c. xxi.

(c) for the definition of “ undertaking ” in subsection (7) thereof there shall be substituted the following definition:—

“ ‘ undertaking ’ means any public service which the local authority are authorised to undertake ”:

(d) subsections (5) and (8) shall be omitted.

34.—(1) For the purpose of defraying expenses pending the receipt of revenues receivable in respect of the period of account in which those expenses are chargeable, it shall be lawful for the Corporation to raise temporarily, by the issue and renewal of Corporation of London promissory notes, such sums as they may from time to time resolve:

Power to borrow on promissory notes.

Provided that—

(a) the total sum of such promissory notes which shall be issued by the Corporation and outstanding (other than promissory notes issued in order to pay off other promissory notes matured) shall not at any time exceed the sum of two million pounds; and

(b) the Corporation shall within one year after the date of borrowing such sum or sums repay the same with the interest payable thereon out of the general rate.

(2) A register of the promissory notes shall be kept by the chamberlain of London, and such register shall show the amount of each promissory note, the names of the persons by whom it is signed, the date of issue, the date when the same falls due and the date of payment.

(3) The Corporation shall from time to time make regulations with respect to the form, preparation, mode of issue and signing and of payment, discharge and cancellation of promissory notes issued or renewed under the powers of this section.

(4) Each promissory note shall be for the amount directed by the Corporation, not being less than five hundred pounds.

PART IV  
—cont.

(5) The amount of money received by the Corporation in respect of a promissory note shall be deemed to be principal money raised by means of such promissory note, and the difference between the amount payable by the Corporation in respect of a promissory note and the amount received by them in respect thereof shall be deemed to be interest on the principal money so raised.

Application  
of Stock  
Transfer Act,  
1963 to  
securities  
issued by  
Corporation.  
c. 18.

35. Section 1 of the Stock Transfer Act, 1963 (which makes provision for the simplified transfer of certain securities) shall apply, and shall be deemed always to have applied, to fully paid-up registered securities of any description issued by the Corporation otherwise than as a local authority as it applies to securities mentioned in paragraph (b) of subsection (4) of that section.

Repeal.

36. The enactments specified in column (1) of the schedule to this Act are hereby repealed to the extent specified in column (2) of that schedule.

Costs of Act.

37. The costs, charges and expenses preliminary to, and of and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the general rate of the city.

SCHEDULE

ENACTMENTS REPEALED

Section 36.

Enactment (1)	Extent of repeal (2)	
<p>In the City of London Sewers Act, 1851— Section 44 (Saint Bartholomew's and Christ's Hospitals not to be assessed to sewer or consolidated rate)</p>	<p>The whole section.</p>	<p>c. xci.</p>
<p>In the City of London Sewers Act, 1897— Section 17 (Chamberlain to pay all sums of money ordered by Common Council)</p>	<p>The words "and shall deliver copies of the said accounts to each House of Parliament within three months after the opening of every Session".</p>	<p>c. cxxxiii.</p>



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# City of London (Various Powers) Act 1965

## CHAPTER xxxix

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SCHEDULE—Enactments repealed.