



London Local Authorities Act 1996

1996 CHAPTER ix

PART III

OCCASIONAL SALES

10 Meaning of “occasional sale”

In this Part of this Act “occasional sale” means a concourse of buyers and sellers of articles held otherwise than on a highway or in a building (except a car park) and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—

- (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;
- (b) a sale by auction of farm livestock or deadstock;
- (c) sales of a class which from time to time is by resolution of the borough council excluded from the operation of this Part of this Act;
- (d) a market held in accordance with a planning permission granted under section 58(1)(b) of the Town and Country Planning Act 1990 (which provides for the granting of planning permission) or under a similar provision of a predecessor to that Act; or
- (e) a market the holding of which commenced before 1st July 1948 and has continued without extinguishment.

11 Application of Part III

- (1) This Part of this Act applies to a borough as from such day as may be fixed in relation to that borough by resolution of the borough council, subject to and in accordance with the provisions of this section.
- (2) The borough council shall cause to be published in a local newspaper circulating in the borough notice—
 - (a) of the passing of any such resolution and of a day fixed thereby; and
 - (b) of the general effect of the provisions of this Part of this Act;

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and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.

- (3) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

12 Licensing of occasional sales

- (1) Subject to the provisions of this Part of this Act it shall be unlawful for any person to hold an occasional sale within a borough unless that person is authorised to do so by a licence under this Part of this Act.
- (2) No licence under this Part of this Act is required if the proceeds of the occasional sale are to be applied solely or principally for charitable, social, sporting, religious or political purposes.
- (3) A person holds an occasional sale for the purposes of this Part of this Act if—
- (a) he receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale; or
 - (b) as a person promoting the sale, or as the agent, licensee or assignee of a person promoting the sale, he receives or is entitled to receive payment from persons trading at the sale for goods sold or services rendered to persons attending the sale.

13 Application for licence

- (1) An application for a licence under this Part of this Act shall be made in writing to the borough council, not later than 42 days before the date on which the occasional sale is to be held:

Provided that nothing in this section shall prevent a borough council from granting a licence, notwithstanding that application has been made at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

- (2) An application made under this section shall be in writing and shall specify—
- (a) the proposed date and time of commencement, expected duration and location of the intended occasional sale;
 - (b) the extent of the premises to be occupied or used for the purposes of the sale;
 - (c) the name and address (other than an address temporarily occupied for the purposes of the sale) of the person who proposes to hold the occasional sale, and the name and address of a person appointed to receive and answer complaints about the occasional sale;
 - (d) an estimate of the number of persons expected to attend the occasional sale;
 - (e) the arrangements proposed for accommodating vehicles of persons attending the occasional sale;
 - (f) the arrangements proposed for controlling road congestion, litter and noise.
- (3) An applicant for the grant of a licence under this Part of this Act shall pay a reasonable fee determined by the borough council.

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14 Grant of licence

- (1) The borough council may grant a licence under this Part of this Act, and in granting a licence may impose reasonable conditions relating to—
 - (a) the time of commencement of the occasional sale;
 - (b) the duration of the occasional sale;
 - (c) the arrangements to be made for accommodating the vehicles of persons attending the occasional sale;
 - (d) the arrangements to be made for controlling road congestion, litter and noise caused by the occasional sale;
 - (e) a requirement that the names and addresses of persons selling articles at the occasional sale are publicly displayed.
- (2) If the borough council have not refused to grant a licence within 21 days of the receipt by them of an application duly made for a licence under subsection (1) of section 13 (Application for licence) of this Act, they shall be deemed to have granted a licence for an occasional sale in accordance with the details specified in the application.
- (3) The borough council shall grant an application for a licence under this Part of this Act unless they consider that the application ought to be refused on one or more of the grounds specified in subsection (4) below.
- (4) The borough council may refuse an application on any of the following grounds:—
 - (a) that inadequate arrangements have been proposed for accommodating the vehicles of persons attending the occasional sale;
 - (b) that inadequate arrangements have been proposed for controlling road congestion, litter or noise caused by the occasional sale; or
 - (c) that the applicant has been granted a licence by any borough council for an occasional sale within three years before the date of the application and failed to comply with conditions imposed in relation to that licence.

15 Part III appeals

- (1) If the borough council refuse to grant a licence under this Part of this Act they shall notify the applicant in writing—
 - (a) of their decision and of the ground or grounds for such refusal; and
 - (b) of his rights of appeal specified in this section.
- (2) Any person aggrieved—
 - (a) by the refusal of a borough council to grant a licence; or
 - (b) by a condition imposed by a borough council under subsection (1) of section 14 (Grant of licence) of this Act;may appeal to a magistrates' court acting for the area in which the proposed occasional sale is to be held.
- (3) A person desiring to appeal against such refusal or condition shall give a written notice to the magistrates' court and to the borough council specifying the refusal or condition against which he wishes to appeal and the grounds upon which such appeal is made.
- (4) On an appeal to the magistrates' court under this section, the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to the order.

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16 Display of names, etc

- (1) Any person who holds an occasional sale shall display his full name and business address and the full name and business address of the person appointed to receive and answer complaints about the occasional sale in a prominent position at the place where the sale is held.
- (2) Any person who holds an occasional sale shall display on all notices, leaflets and posters given, distributed or exhibited by him or on his behalf in connection with the sale the full name and business address of—
 - (a) himself; and
 - (b) the person appointed to receive and answer complaints about the occasional sale.

17 Powers of entry

An authorised officer on producing if so required a duly authenticated document showing his authority, or any constable, may enter and inspect any premises if he has reasonable cause to believe that they are being, have been or are intended to be, used for or in connection with an occasional sale for the purpose of ascertaining whether there is or has been or is intended to be a contravention of this Part of this Act in, or in connection with, the premises.

18 Enforcement

- (1) Any person who contravenes section 12 (Licensing of occasional sales) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) Any person who contravenes a condition imposed under section 14 (Grant of licence) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (3) Any person who without reasonable excuse contravenes section 16 (Display of names, etc.) of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

19 Restriction on right to prosecute

The written consent of the Director of Public Prosecutions is needed for the laying of an information of an offence created by this Part of this Act by any person other than an authorised officer or a constable.