

*These notes refer to the Deregulation Act 2015 (c.20)
which received Royal Assent on 26 March 2015*

DEREGULATION ACT 2015

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 91: London street trading appeals: removal of role of Secretary of State in appeals

422. The section has the effect of transferring the function of determining certain London street trading appeals under the Local London Authorities Act 1990 and the City of Westminster Act 1999 from the Secretary of State to the Magistrates' Courts. Under these Acts, the majority of street trading appeals (such as appeals against the refusal of a licence) are already heard by a Magistrates' Court. However, certain appeals are currently heard by the Secretary of State. These are appeals about matters of a more general nature (such as a decision to designate a street as one in which street trading may take place only with a licence). The government considers that this is an inefficient and inconsistent approach. The transfer of functions is therefore being made to ensure consistency of approach in relation to the forum for determining street trading appeals. In future, all street trading appeals under these Acts would be made to the Magistrates' Courts as they have considerably more expertise in making such determinations.
423. The section forms part of the law of England and Wales. The changes apply only to the boroughs of participating London councils listed in Schedule 1 to the London Local Authorities Act 1990 that have passed a resolution commencing Part 3 of the London Local Authorities Act 1990 and to the City of Westminster.
424. The section comes into force on a day to be appointed by the Secretary of State in a commencement order.