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SCHEDULES

SCHEDULE 1

Section 9

SECTIONS OF PUBLIC HEALTH ACT 1936 (C. 49) APPLIED TO SECTION 9 (NUISANCE FROM BIRDS) OF THIS ACT

Section	Marginal Note
275	Power of local authority to execute certain works on behalf of owners and occupiers.
278	Power of local authority to execute certain works on behalf of owners and occupiers.
283(1)	Power of local authority to execute certain works on behalf of owners and occupiers.
285	Service of notices, &c.
287	Power to enter premises.
289	Power to require occupier to permit works to be executed by owner.
290	Provisions as to appeals against, and enforcement of, notices requiring execution of works.
291	Certain expenses recoverable from owners to be a charge on the premises: power to order payment by instalments.
297	Continuing offences and penalties.
300	Appeals and applications to courts of summary jurisdiction.
341	Power to apply provisions of Act to Crown property.

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SCHEDULE 2

Section 15

OFFENCES IN RESPECT OF WHICH FIXED PENALTY NOTICES MAY BE
 GIVEN UNDER SECTION 15 (FIXED PENALTY OFFENCES) OF THIS ACT

	(1) Act	(2) Section	(3) Description of Offence
1	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or failure to comply with requirement or prohibition imposed by abatement notice
2	Town and Country Planning Act 1990 (c. 8)	224(3)	Displaying advertisement in contravention of regulations
3	London Local Authorities Act 1990 (c. vii)	34(1)	Contravention of condition of street trading licence or temporary licence
4		34(2)	Making false statement in connection with application for street trading licence or temporary licence
5		34(3)	Resisting or obstructing authorised officer
6		34(4)	Failure to produce street trading licence on demand
7		38(1)	Unlicensed street trading
8	City of Westminster Act 1999 (c. i)	24(a)	Contravention of condition of street trading licence or temporary licence
9		24(b)	Making false statement in connection with application for street trading licence or temporary licence

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	(1) Act	(2) Section	(3) Description of Offence
10		24(c)	Resisting or obstructing authorised officer
11		24(d)	Failure to produce street trading licence on demand
12		27(1)	Unlicensed street trading
13		27(2)	Street trading by holder of licence on a day or in a place not specified in his licence

SCHEDULE 3

Section 16

FINANCIAL PROVISIONS RELATING TO SECTION 16 (FIXED PENALTY NOTICES) OF THIS ACT

- 1 A borough council shall keep an account of their income and expenditure in respect of the administration and enforcement of sections 15 (Fixed penalty offences) and 16 (Fixed penalty notices) of this Act in relation to each of the enactments mentioned in paragraphs (a) and (b) of subsection (1) of the said section 15.
- 2 At the end of each financial year any deficit in the account shall be made good out of the general rate fund, and (subject to paragraph 3 below) any surplus shall be applied to purposes connected with the improvement of the amenity of the area of the council or any part of that area.
- 3 If the council so determine, any amount not applied in any financial year, instead of being or remaining so appropriated, may be carried forward in the account kept under paragraph 1 above to the next financial year.
- 4 Each council shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to paragraph 2 or 3 above, in respect of any deficit or surplus in their account for the year.
- 5 The report under paragraph 4 above shall be made as soon after the end of the financial year to which it relates as possible.
- 6 In any proceedings a certificate which—
 - (a) purports to be signed by or on behalf of, the chief finance officer of the council; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,
 shall be evidence of the facts stated.
- 7 In this Schedule, “chief finance officer”, in relation to a council, means the person having responsibility for the financial affairs of the council.

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SCHEDULE 4

Section 20

AMENDMENTS TO PART III (STREET TRADING) OF THE LONDON LOCAL AUTHORITIES ACT 1990 (C. VII)

Section 21 (Interpretation of Part III)

1 In subsection (1) of section 21 for the definition of “street trading” the following definition is substituted—

““street trading” means subject to subsection (2) below—

(a) the selling or the exposure or offer for sale of any article (including a living thing); and

(b) the purchasing of or offering to purchase any ticket; and

(c) the supplying of or offering to supply any service,

in a street for gain or reward;”.

2 In subsection (2) of section 21—

(a) in paragraph (a), at the end, the words “, if the trading is carried out only by means of visits from house to house” are inserted;

(b) in paragraph (d), before “newspapers”, the word “current” is inserted;

(c) in paragraph (h), at the end, the words “or by permit or order made under Part III of the Charities Act 1992 (c. 41)” are inserted;

(d) for paragraph (j) there is substituted the following paragraph—

“(j) the selling or the exposure or offer for sale of articles or the provision of services on private land adjacent to a shop provided that the selling or the exposure or offer for sale of the articles or the provision of the services—

(i) forms part of the business of the owner of the shop or a person assessed for uniform business rate in respect of the shop; and

(ii) takes place during the period during which the shop is open to the public for business.”.

Section 24 (Designation of licence streets)

3 In subsection (6) of section 24—

(a) the word “and” at the end of paragraph (b) is omitted;

(b) paragraph (c) is omitted;

(c) at the end, the following is inserted—

“(d) Network Rail Infrastructure Limited; and

(e) Transport for London.”.

Section 25 (Application for street trading licences)

4 For subsection (3) of section 25 there is substituted the following subsections—

“(3) In the case of an application by an individual the applicant shall, with his application, hand to an authorised officer three identical clear full face photographs of himself—

(a) without sunglasses; and

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- (b) unless on religious grounds the applicant permanently wears headgear, without headgear,
taken within the preceding 12 months, each photograph being signed by the applicant on the reverse.
- But the borough council may, at their discretion, accept a lesser number of photographs.
- (3A) If a standard condition prescribed under regulations made under subsection (3) of section 27 (Conditions of street trading licences) of this Act requires third party insurance cover the applicant shall produce to an authorised officer proof of such third party insurance cover before a licence is granted.
- (3B) A borough council may make regulations prescribing the procedure for determining applications.
- (3C) Before making or amending such regulations the borough council shall—
- (a) consult any body which appears to the borough council to represent licence holders; and
 - (b) give consideration to any representations received within 28 days of the date on which the borough council's proposals were notified to the body concerned.”.

Section 38 (Unlicensed street trading)

- 5 In section 38—
- (a) in subsection (1)(a), at the end the words “whether or not from a stationary position” are inserted;
 - (b) in subsection (1)(b)—
 - (i) before “a temporary licence”, the words “a street trading licence or” are inserted;
 - (ii) before “engages” the words “, without the borough council's specific permission in writing” are inserted;
 - (iii) for “that temporary licence” there is substituted “that licence”;
 - (c) in subsection (2)—
 - (i) for the words “the article or thing shall be presumed” there is substituted “the article, thing, receptacle or equipment concerned shall be presumed”;
 - (ii) for the words “presumed to have been available” to “it is shown” there is substituted “deemed to have been used for the purposes for which a street trading licence was required unless it can be proved”;
 - (iii) for the words “for the purpose” to the end of the subsection there is substituted “street trading”;
 - (d) for subsection (4) there is substituted the following subsections—

“(4) If an authorised officer or a constable has reasonable grounds for suspecting that a person has committed an offence under this section he may seize—

 - (a) any article or thing being offered for sale, displayed or exposed for sale; or

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(b) any other article or thing of a similar nature to that being offered or exposed for sale which is in the possession of or under the control of any person who is displaying an article or thing; or

(c) any receptacle or equipment being used by that person, which may be required to be used in evidence in any proceedings in respect of that offence, or may be the subject of forfeiture under subsection (5) below, provided that no article or thing which is of a perishable nature shall be seized under the provisions of this subsection.

(4A) An authorised officer or constable may also seize, for examination purposes, any article or thing which he has reasonable cause to suspect may be an article or thing which is prohibited by a specifying resolution made under subsection (1)(b) of section 24 (Designation of licence streets) of this Act.

Unless the article or thing is required for evidential purposes it shall be returned as soon as possible to the person from whom it was seized.

(4B) An authorised officer shall produce his authority if required to do so by the person having control or possession of anything seized in pursuance of the powers in subsections (4) and (4A) above.”;

- (e) subsection (4A) is renumbered as (4C);
- (f) in subsection (4C) as renumbered under paragraph (e) above—
 - (i) in paragraph (a), the words “or equipment” are inserted after “receptacle”;
 - (ii) in paragraph (a), the words “or is seized and retained because it is required for evidential purposes under subsection (4A) above” are inserted after “subsection (4) above”;
 - (iii) in paragraph (b) for the words “at the conclusion” there is substituted “following the conclusion”;
 - (iv) in paragraph (b), for the words “unless the court orders it to be forfeited under subsection (5) below” there is substituted—

“unless—

- (i) the court orders it to be forfeited under subsection (5) below; or
 - (ii) any award of costs to the council by the court, which may include removal, return and storage costs, have not been paid within 28 days of the making of the order.
- (ba) Where after 28 days any costs awarded by the court to the council have not been paid to the council in full—
- (i) the article or thing may be disposed of in any way the council thinks fit; and
 - (ii) any sum obtained by the council in excess of the costs awarded by the court shall be

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- returned to the person to whom the article or thing belongs.
- (bb) When any article or thing is disposed of by the council under this subsection the council shall have a duty to secure the best possible price which can reasonably be obtained for that article or thing.”;
- (v) in paragraph (d)(i) the words “or under the City of Westminster Act 1999” are inserted after “this Part of this Act”;
- (vi) in paragraph (d)(ii) the words “or the said Act of 1999” are inserted after “this Part of this Act”;
- (vii) in paragraph (f), at the end, the words “and in the case of a sum referred to in paragraph (ba) above the council shall apply to the court for an order directing the disposal of the proceeds.” are inserted;
- (g) after subsection (6) the following subsection is inserted—
- “(6A) For the avoidance of doubt the court may order forfeiture notwithstanding that the value of the article, thing, receptacle or equipment exceeds the maximum penalties referred to in this section.”;
- (h) after subsection (8)(a)(i), the words “or (4A)” are inserted after “subsection (4)”;
- (i) in subsection (8)(b) the words “and any such compensation shall not be included in the computation for calculating charges under section 22 (Fees and charges) of this Act” are inserted at the end; and
- (j) in subsection (8)(c) the words “or (4A)” are inserted after “subsection (4)”.

SCHEDULE 5

Section 28

ENACTMENTS IN WHICH DEFINITION OF AUTHORISED OFFICER IS REPEALED

[The London Local Authorities Act 1990 \(c. vii\)](#)
[The London Local Authorities Act 1991 \(c. xiii\)](#)
[The London Local Authorities Act 1994 \(c. xii\)](#)
[The London Local Authorities Act 1995 \(c. x\)](#)
[The City of Westminster Act 1996 \(c. vii\)](#)
[The London Local Authorities Act 1996 \(c. ix\)](#)
[The City of Westminster Act 1999 \(c. i\)](#)
[The London Local Authorities Act 2000 \(c. vii\)](#)