



## 2001 CHAPTER 8

### *Designation of streets*

#### **Designated streets**

**3.—**(1) A council may pass a resolution designating a street in its district as a street in which it may allocate street trading pitches to holders of street trading licences who are authorised to trade as stationary traders.

(2) In this Act—

- (a) a resolution passed under subsection (1) is referred to as a “designating resolution”; and
- (b) a street designated by such a resolution is referred to as a “designated street”.

(3) A designating resolution may specify that, in relation to a designated street, either—

- (a) only specified articles, things or services, or classes of specified articles, things or services may be sold or supplied from street trading pitches in that street, or
- (b) the sale or supply from street trading pitches of specified articles, things or services or classes of specified articles, things or services, is prohibited in that street.

(4) A council may, by subsequent resolution, rescind or vary a designating resolution.

**Designating resolutions**

4.—(1) Where, in relation to any street, a council proposes to pass a designating resolution, or a resolution to rescind or vary a designating resolution, the council shall—

- (a) publish notice of its intention to do so in 2 or more newspapers circulating in its district;
- (b) consult—
  - (i) the sub-divisional commander of the police sub-division in which the street is situated, and
  - (ii) the Department for Regional Development as regards that department's functions with respect to roads and the regulation of road traffic.

(2) The council may consult such other persons as it considers appropriate.

(3) Where a council proposes to pass a resolution to rescind or vary a designating resolution, it shall also consult licence holders who trade from street trading pitches in the street to which the proposed resolution would apply, and any body representative of those traders.

(4) The notice referred to in subsection (1)(a)—

- (a) shall contain a draft of the proposed resolution; and
- (b) shall state that representations relating to it may be made in writing to the council within such period, being not less than 28 days from the date of first publication of the notice, as may be specified in the notice.

(5) As soon as practicable after the expiry of the period mentioned in subsection (4)(b), the council shall consider any representations relating to the proposed resolution which it has received before the expiry of that period.

(6) After the council has considered those representations, it may if it thinks fit pass the designating resolution, or the resolution to rescind or vary the designating resolution.

(7) Where a council passes a designating resolution, or a resolution to rescind or vary a designating resolution, the resolution shall specify a date, being not less than one month from the date of its passing, on which it is to take effect.

(8) Where a council—

- (a) has passed a designating resolution, or a resolution to rescind or vary a designating resolution, or
- (b) has determined not to pass such a resolution,

it shall publish notice to that effect in 2 consecutive weeks in 2 or more newspapers circulating in its district and send a copy of the notice to any person who made representations relating to the proposed resolution.

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**Status:** *This is the original version (as it was originally enacted).*

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(9) For the purposes of paragraph (a) of subsection (8), the first publication shall be not less than 28 days before the date specified in the resolution for it to take effect.