
STATUTORY INSTRUMENTS

1993 No. 3160

The Roads (Northern Ireland) Order 1993

PART VII

LAWFUL AND UNLAWFUL INTERFERENCE WITH ROADS

Other interference with roads

Pitching stalls or offering things for sale on a road

90.—(1) Any person who, on a road, without lawful authority—
(a) pitches a booth, stall or stand; or
(b) subject to paragraph (2), offers or exposes anything for sale, or for the purpose of sale,
shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(2) A person shall not be guilty of an offence under paragraph (1)(b) if he offers or exposes anything for sale in circumstances where, by virtue of the proviso to section 1(1) of the Street Trading (Regulation) Act (Northern Ireland) 1929(1), he would not be required to obtain a licence under that section authorising him so to do.

(3) Any person convicted of an offence under paragraph (1) shall, within such period as the court may allow, remove from the road any booth, stall or stand, or any thing offered or exposed for sale, and if he fails to do so he shall be guilty of an offence and be liable on summary conviction to a fine not exceeding one-tenth of level 2 on the standard scale for each day upon which that failure continues.

(4) Where a person who has been convicted of an offence under paragraph (1) becomes liable to prosecution for an offence under paragraph (3), the Department may itself do anything which he has failed to do, and may recover from him any expenses thereby reasonably incurred by it.

(5) Where—

- (a) any thing has been removed by the Department under paragraph (4); and
- (b) it has not been recovered by its owner within 21 days from the day on which it was removed,

the Department may dispose of it in such manner as the Department thinks fit.

(6) Where any thing is disposed of by sale under paragraph (5) the expenses of removal and sale shall be defrayed out of the proceeds thereof and the balance of the proceeds (if any) shall be given to the owner if known and if not shall be applied in the same manner as is provided for with respect to fines by section 20 of the Administration of Justice Act (Northern Ireland) 1954(2).

(7) Where the Department disposes of any thing under paragraph (5)—

(a) by sale and the proceeds are not sufficient to defray the Department's expenses; or
(b) in some manner other than by sale,
the Department may recover from the owner thereof any expenses reasonably incurred by it in removing and disposing of the thing.