



City of Westminster Act 1999

1999 CHAPTER i

20 Succession

- (1) (a) The holder of a street trading licence who is an individual may at the time of making application under section 11 (Applications) of this Act or at any time thereafter by written notice to the council specify the name and address of a relative (or employee under subsection (3)(e) below) to whom he would wish the licence to be granted if he—
- (i) dies; or
 - (ii) retires having reached the age of 60; or
 - (iii) notifies the council that owing to ill-health he is unable to continue to engage in the street trading permitted by the licence, and submits evidence to satisfy the council as to his ill-health,
- and he may vary his nomination at any time by giving written notice thereof to the council, specifying the name and address of such other person to whom he would wish the licence to be granted and such notice shall revoke all previous nominations made by the licence holder;
- (b) When a holder of a street trading licence has nominated a person in accordance with paragraph (a) above the council shall not (except as provided in paragraph (c) below) grant a licence in respect of the street trading pitch for which the former licence holder was licensed until the expiration of 28 days from the date of the death of the licence holder or his retirement or receiving the notification, as the case may be;
- (c) If during the said period of 28 days the person previously nominated by the licence holder as the person to whom he desired the licence to be granted in any of the events mentioned in paragraph (a) above makes application for the grant of a licence in respect of the street trading pitch concerned the council shall save as provided by subsection (1)(a) to (c) of section 12 (Mandatory grounds of refusal) and subsection (1)(b) to (f) of section 13 (Discretionary grounds of refusal) of this Act grant a licence to that person on the same terms and conditions as were previously in force.
- (2) For the purposes of this section a person shall be treated as being related to another person if the latter is the wife, common law wife, husband, common

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

law husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of adoption.

- (3) The council may at their discretion—
- (a) grant the licence to a nominee where a licence holder has given up or proposes to give up his licence on grounds other than those specified in paragraph (a)(ii) or (a)(iii) of subsection (1) above; or
 - (b) extend the period of 28 days specified in subsection (1)(b) above; or
 - (c) grant the licence to a relative not mentioned in subsection (2) above; or
 - (d) grant the licence to a relative as defined by subsection (2) above where the former licence holder failed to make a nomination; or
 - (e) grant the licence to an employee of at least five years standing of the former licence holder where—
 - (i) the former licence holder had previously notified the council of his employment of that person; and
 - (ii) the former licence holder or the applicant has made available to the council all necessary tax and other records to prove that the person is or was a bona fide employee.
- (4) The council shall not grant a street trading licence under subsection (3) above if to do so—
- (a) would cause a breach of a specifying resolution; or
 - (b) would be contrary to the provisions of section 12 (Mandatory grounds of refusal) of this Act.
- (5) Where a street trading licence cannot be granted under this section because of the provisions of subsection (1)(c) of the said section 12 of this Act the council may at their discretion grant a licence to another relative of the former licence holder or to a relative of the person who, but for the provisions of subsection (1)(c) of the said section 12 of this Act, would have been granted the licence.