
STATUTORY INSTRUMENTS

2005 No. 120

The Merseytram (Liverpool City Centre to Kirkby) Order 2005

PART 7

MISCELLANEOUS AND GENERAL

Street and market traders

71.—(1) Where Merseytravel considers that the carrying on within any part of a street within the Order limits by the holder of a public markets licence, a street trader's licence or a street trading consent, of the trading permitted by that licence or consent, would prevent or seriously impede the construction or maintenance of the authorised works or the safe operation of the authorised street tramway, Merseytravel may—

- (a) revoke that licence or consent, as the case may be, if it only permits trading in a street in which the tram system is or is to be laid or in any street having a junction with such a street; or
- (b) with the consent of the Council, vary the principal or the subsidiary terms of that licence or the conditions of that consent, as the case may be.

(2) The principal or subsidiary terms of a street trader's licence or the conditions of a street trading consent may be varied by Merseytravel under paragraph (1) so that the licence or consent, as the case may be, permits trading in a street which is beyond a street in which the tram system is or is to be laid or any street having a junction with such a street.

(3) Merseytravel shall serve written notice of any such revocation or variation on the licence-holder or the holder of the consent in question not less than 28 days before the revocation or variation is to take effect.

(4) Where Merseytravel revokes a street trader's licence under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of—

- (a) any fee paid for the grant or renewal of the licence; or
- (b) any charges recoverable by them under paragraph 9(6) of Schedule 4 to the 1982 Act.

(5) Where Merseytravel revokes a public markets licence or a street trading consent under this article, the Council may remit or refund, as it considers appropriate, the whole or a part of any fee paid for the grant or renewal of the licence or consent.

(6) No legal proceedings whatever may be taken against the Council in relation to any consent given under paragraph (1)(b) except where the Council or any employee, contractor or agent of the Council has acted negligently in giving that consent.

(7) Merseytravel shall pay compensation to any person who suffers any loss or damage from the exercise of the powers conferred by paragraph (1) and in assessing the amount of any such compensation there shall be taken into account any money paid to that person pursuant to paragraph (4) or (5).

(8) Any dispute as to a person's entitlement to compensation under paragraph (7), or as to the amount of the compensation, shall be determined under Part I of the 1961 Act.

(9) In this article—

“the 1982 Act” means the Local Government (Miscellaneous Provisions) Act 1982⁽¹⁾;

“the Council” means Liverpool City Council in relation to its area and Knowsley Metropolitan Borough Council in relation to its area, and in each case includes the Council’s employees, agents and contractors;

“public markets licence” means a licence to trade at any street market granted to any person by the Council pursuant to its rights under any Royal Charter or enactment;

“street trading consent” means a consent to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act; and

“street trader’s licence” means a licence to trade in a street granted to any person by the Council pursuant to Schedule 4 to the 1982 Act or any other enactment.

⁽¹⁾ 1982 c. 30.