

Exemptions From the Requirement to Have a Street Trading Consent

a. Peddler

The 1982 Act exempts from requirements to hold a street licence or consent to a person “trading” as a peddler under the authority of a Peddler’s certificate granted under the Peddlers Act 1872. Peddler’s certificates are issued by the local Police Authority.

b. Trading as a Market or Fair

Trading carried out at a market or fair is exempt provided the activities are held under a charter, which has been granted or established by statute. The Markets service regulated any market or fair activities, which may be in competition with the Council’s Markets within $6\frac{2}{3}$ miles from the town centre.

c. Section 112 Highways Act 1980

The Secretary of State has the power to provide picnic sites on land adjoining or in the vicinity of certain major roads including motorways. Motorway service areas are regarded as falling within this exemption.

d. Trading as a News Vendor

This exemption applies where the only articles sold or offered for sale are news papers and periodicals. These must not be exposed or offered for sale from a stall or receptacle except where such a piece of equipment does not exceed one metre in length or width or two metres in height: occupy a ground area exceeding 0.25 square metres or stand on the carriageway street.

e. Trading Carried on at a Petrol Station

This exemption enables people operating petrol stations to offer on their forecourt a range of goods without the necessity of seeking a street trading licence. If this exemption had not been included such activities would have fallen within the scope of the legislation because the forecourt would be classified as a place to which the public have access without payment and would, therefore, fall within the definition of “street” contained in the Act.

f. Trading in and Around Shops

As the public clearly have access to shops with or without payment it is possible they could have fallen within the terms of the legislation had this exemption not been included. The exemption also covers trading which takes

part in a street adjoining the premises used as a shop where the trading outside is part of the business of the shop.

g. Rounds Men

Milkmen, coal men and other people who offer or expose goods for sale may lawfully trade without a street trading consent. The purpose of this exemption is for traders with recognised customers to continue to be able to deliver the goods. In 1973 it was held that rounds men seeking new business might be outside of the exemption.

h. Part V11A The Highways Act

The Highways Act 1980 contains various provisions which prohibit obstruction of the highway and the unauthorised displays of goods or stalls on the highway. Failure to comply with these provisions may constitute an offence. Trade in accordance with the provisions of a street trading consent is permissible however other forms of street trading such as trading around a shop on the highway may require separate consent under part V11A of the Highways Act 1980.

i. Street Collections

Where a person is carrying out a duly authorised street collection then they do not need to obtain a street trading consent. Street Collection Permits are issued by the Licensing Service .