



2001 CHAPTER 8

Street traders to be licensed

Licensing of street traders

1.—(1) Subject to the provisions of this Act, no person shall engage in street trading in any street within a district, unless that person is authorised to do so by a street trading licence or a temporary licence granted under this Act by the council for the district.

(2) Subject to section 2, in this Act “street trading” means—

- (a) selling any article or thing, or
- (b) supplying a service,

in a street, whether or not in or from a stationary position.

(3) In this Act—

- (a) any reference to selling an article or thing includes a reference to offering or exposing an article or thing for sale; and
- (b) any reference to supplying a service is a reference to supplying a service for gain or reward and includes a reference to offering to supply a service.

(4) For the purposes of this Act a person engages in street trading whether or not he regularly carries on the business of street trading.

Activities which are not street trading

2.—(1) The following activities are not street trading for the purposes of this Act—

- (a) trading by—
 - (i) selling articles or things, or

Changes to legislation: There are currently no known outstanding effects for the Street Trading Act (Northern Ireland) 2001, Cross Heading: Street traders to be licensed. (See end of Document for details)

- (ii) supplying a service,
to the occupiers of premises adjoining any street, if the trading is carried out by means only of visiting those premises, whether by appointment or otherwise;
- (b) selling articles or things from a vehicle which is used only for the regular delivery of such articles or things to the occupiers of premises adjoining any street;
- (c) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of any statutory provision;
- (d) doing anything—
 - (i) authorised by regulations made under section 5 of the Police, Factories, &c (Miscellaneous Provisions) Act 1916 (c. 31), or
 - (ii) authorised by a licence granted under the House to House Charitable Collections Act (Northern Ireland) 1952 (c. 6) or exempted by an order made under section 3 of that Act;
- (e) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871 (c. 96), if the trading is carried out only by means of visits from house to house.
- [^{F1}(f) where a pavement café licence is in force, trading carried out in the area covered by the licence, if the trading—
 - (i) takes place at a time when that area has temporary furniture on it that under the terms of the licence is permitted to be there at that time;
 - (ii) is done in the course of a business which is carried on by the licence holder at the premises specified in the licence;
 - (iii) relates to the supply of food or drink in or from those premises for consumption on that area; and
 - (iv) does not involve a contravention of the conditions of the licence.]
- (2) Trading which is carried out—
 - (a) at or adjoining premises used as a petrol filling station; or
 - (b) at or adjoining premises used as a shop,is not street trading for the purposes of this Act if—
 - (i) it forms part of the business of the owner or the occupier of the premises, and
 - (ii) takes place during the period when the premises are open to the public for business.
- (3) Trading as a news vendor is not street trading for the purposes of this Act if—
 - (a) the only articles sold are newspapers or periodicals, and

Changes to legislation: There are currently no known outstanding effects for the Street Trading Act (Northern Ireland) 2001, Cross Heading: Street traders to be licensed. (See end of Document for details)

- (b) they are sold without a receptacle or from a receptacle which is carried by the vendor.
- (4) The Department may by order subject to affirmative resolution—
 - (a) vary (whether by addition, omission or alteration) the activities which are not street trading for the purposes of this Act, and
 - (b) amend subsections (1) to (3), as they have effect for the time being, in such manner as appears necessary or expedient in consequence of such variation.

[^{F2}(5) Expressions used in paragraph (f) of subsection (1) and in the Licensing of Pavement Cafés Act (Northern Ireland) 2014 have the same meaning in that paragraph as in that Act.]

- | |
|--|
| <p>F1 S. 2(1)(f) inserted (1.10.2016) by Licensing of Pavement Cafs Act (Northern Ireland) 2014 (c. 9), s. 32(1), Sch. para. 3(2); S.R. 2016/126, art. 2</p> <p>F2 S. 2(5) inserted (1.10.2016) by Licensing of Pavement Cafs Act (Northern Ireland) 2014 (c. 9), s. 32(1), Sch. para. 3(3); S.R. 2016/126, art. 2</p> |
|--|

Changes to legislation:

There are currently no known outstanding effects for the Street Trading Act (Northern Ireland) 2001, Cross Heading: Street traders to be licensed.