



Deregulation Act 2015

2015 CHAPTER 20

Other measures to reduce burdens on public authorities

91 London street trading appeals: removal of role of Secretary of State in appeals

- (1) The London Local Authorities Act 1990 is amended in accordance with subsections (2) and (3).
- (2) After section 30 insert—

“30A Other Part III appeals

- (1) Any person aggrieved—
 - (a) by a resolution rescinding or varying a designating resolution;
 - (b) by a resolution under subsection (1)(b) of section 24 (Designation of licence streets) of this Act;
 - (c) by a standard condition prescribed by regulations under subsection (3) of section 27 (Conditions of street trading licences) of this Act; or
 - (d) by the amount of a fee or charge under section 32 (Fees and charges) of this Act;may appeal to a magistrates’ court acting for the area of the borough council which passed the resolution, prescribed the condition or determined the amount of the fee or charge (as the case may be).
- (2) An appeal under subsection (1) may be brought—
 - (a) in the case of an appeal under paragraph (a) or (b) of that subsection, at any time before the expiration of the period of three months beginning with the date on which notice of the passing of the resolution is published for the second time in accordance with subsection (10) of section 24 (Designation of licence streets) of this Act;
 - (b) in the case of an appeal under paragraph (c) of that subsection, at any time before the expiration of the period of three months beginning with the date upon which the licence holders or a body or bodies representative of them were notified of the making of the regulations;

- (c) in the case of an appeal under paragraph (d) of that subsection—
 - (i) if it relates to the amount of a fee payable under subsection (1) of section 32 (Fees and charges) of this Act, at any time before the expiration of the period of three months beginning with the date on which the fee payable is notified to the licence holders or a body or bodies representative of them;
 - (ii) if it relates to the amount of a charge under subsection (2) of section 32 (Fees and charges) of this Act, at any time before the expiration of the period of three months beginning with the date on which notice of the determination of the charge has been given to the licence holders or a body or bodies representative of them.
- (3) A person desiring to appeal under subsection (1) shall give written notice to the magistrates' court and to the borough council specifying the matter about which the person is aggrieved and the grounds upon which the appeal is made.
- (4) On an appeal to a magistrates' court under this section, the court may make such order as it thinks fit."
- (3) In section 30—
 - (a) omit subsections (11) and (12);
 - (b) in the sidenote, after "Part III appeals" insert ": refusal to grant a licence etc."
- (4) Section 19 of the City of Westminster Act 1999 is amended as follows.
- (5) In subsection (1), for the words from "the Secretary of State" to the end of the subsection substitute "a magistrates' court acting for the area of the council".
- (6) After subsection (2) insert—
 - "(3) A person desiring to appeal under subsection (1) shall give written notice to the magistrates' court and to the council specifying the matter about which the person is aggrieved and the grounds upon which the appeal is made.
 - (4) On an appeal to a magistrates' court under this section, the court may make such order as it thinks fit."
- (7) For the sidenote substitute "Appeals to a magistrates' court".