



Medway Council Act 2004

2004 CHAPTER v

An Act to confer powers on Medway Council for the better control of street trading in the borough of Medway. [28th October 2004]

WHEREAS—

- (1) The borough of Medway (hereinafter called “the borough”) is a district under the management and local government of Medway Council (hereinafter called “the council”):
- (2) Certain powers relating to street trading in the borough are exercisable by the council under the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) and for their better enforcement it is expedient to amend that Act in its application to Medway and supplement those powers:
- (3) The objects of this Act cannot be attained without the authority of Parliament:
- (4) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) have been observed:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Citation

This Act may be cited as the Medway Council Act 2004.

2 Interpretation

In this Act, except where the context otherwise requires—

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

Status: This is the original version (as it was originally enacted).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

“authorised officer” means an officer of the council authorised by the council in writing to act for the purposes of this Act;

“the chief constable” means the Chief Constable of the Kent police force;

“the borough” means the borough of Medway;

“the council” means the Medway Council;

“equipment” means equipment used for the purposes of street trading;

“proper officer” shall have the same meaning as in section 270(3) of the Local Government Act 1972 (c. 70);

“receptacle” includes—

(a) any vehicle, trailer or barrow; and

(b) any basket, bag, box, vessel, stall, stand, easel, board, tray or thing,

which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article;

“a relevant offence” means an offence—

(a) under paragraph 10 of Schedule 4 to the Act of 1982; or

(b) of aiding, abetting, counselling or procuring the commission of an offence under that paragraph,

committed on or after the appointed day fixed for the purpose of the application of section 5 (Street trading: seizure) of this Act.

3 Appointed day

(1) In this Act “the appointed day” means such day as may be fixed by resolution of the council, subject to and in accordance with the provisions of this section.

(2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act.

(3) The council shall cause to be published in at least two newspapers circulating in the borough notice—

(a) of the passing of any such resolution and of a day fixed by them; and

(b) of the general effect of the provisions of this Act coming into operation on that day,

and the day so fixed shall not be earlier than the expiration of one month from the publication of the said notice.

(4) A photostatic or any other reproduction certified by a proper officer of the council to be a true reproduction of a page or part of a page of any such newspaper—

(a) bearing the date of its publication; and

(b) containing any such notice,

shall be evidence of the publication of the notice and of the date of publication.

4 Pedlars

In their application to the borough pursuant to a resolution by the council under section 3 of the Act of 1982, the provisions of Schedule 4 to that Act shall on and from the appointed day apply as if in paragraph 1(2)(a) of that Schedule there were inserted, after the reference to the Pedlars Act 1871 (c. 96), the words “, if the trading is carried out only by means of visits from house to house”.