



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Miscellaneous licences

39 Street traders' licences.

- (1) Subject to subsection (3) below, a licence, to be known as a “street trader’s licence”, shall be required for street trading by a person, whether on his own account or as an employee.
- (2) In this section “street trading” means doing any of the following things in a public place—
 - (a) hawking, selling or offering or exposing for sale any article;
 - (b) offering to carry out or carrying out for money or money’s worth any service, to any person in the public place and includes doing any of these things there in or from a vehicle or in or from a kiosk or moveable stall not entered in the valuation roll except where it is done in conjunction with or as part of a retail business being carried on in premises abutting the public place.
- (3) A street trader’s licence shall not be required for—
 - (a) the sale of newspapers only;
 - (b) the sale of milk by or on behalf of a person registered under [^{F1}regulations made under section 19 of the Food Safety Act 1990];
 - (c) the sale of coal, coke or any solid fuel derived from coal or of which coal or coke is a constituent;
 - (d) any activity in respect of which a certificate under the ^{M1}Pedlars Act 1871 has been granted;
 - (e) any activity in respect of which a licence is required under this Act apart from this section; or

Changes to legislation: Civic Government (Scotland) Act 1982, Section 39 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (f) organising or participating in a public charitable collection within the meaning of subsection (16) of section 119 of this Act in accordance with permission granted under that section.
- (4) Where an application for a street trader’s licence is made in respect of an activity which—
- (a) consists of or includes food business within the meaning of [F2sections 1(3) of the Food Safety Act 1990]; and
 - (b) involves the use of a vehicle, kiosk or moveable stall,
- the licensing authority shall, without prejudice to paragraph 5(3) of Schedule 1 to this Act, refuse the application unless there is produced to them a certificate by [F3a food] authority (for the purposes of section 5 of the Food Safety Act 1990) [F4mentioned in subsection (4A)] stating that the vehicle, kiosk or moveable stall complies with [F5such requirements as the Scottish Ministers may by order made by statutory instrument specify].
- [F6(4A) A food authority referred to in subsection (4) is a food authority in Scotland which, in respect of the activity mentioned in that subsection—
- (a) has registered the establishment that carries out or intends to carry out the activity for the purposes of Article 6.2 of Regulation ECNo. 852/2004 of the European Parliament and of the Council of 29 April 2004 on the hygiene of foodstuffs, or
 - (b) where no such food authority has registered the establishment for those purposes, a food authority which is—
 - (i) the licensing authority to which the application mentioned in subsection (4) in respect of the activity is made, or
 - (ii) another licensing authority to which an application for a street trader’s licence in respect of the activity is or has been made.]
- [F7(5) An order under subsection (4) may specify requirements by reference to provision contained in another enactment.
- (6) A statutory instrument containing an order made under subsection (4) is subject to annulment in pursuance of a resolution of the Scottish Parliament.]

Textual Amendments

- F1** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(10), [Sch. 3 para. 25\(a\)](#)
- F2** Words substituted by [Food Safety Act 1990 \(c. 16, SIF 53:1, 2\)](#), ss. 54, 59(10), [Sch. 3 para. 25\(b\)\(i\)](#)
- F3** Words in s. 39(4) substituted (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [ss. 56\(a\)\(i\)](#), 61(2); S.S.I. 2014/160, art. 2(1)(2), sch. (with art. 3)
- F4** Words in s. 39(4) inserted (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [ss. 56\(a\)\(ii\)](#), 61(2); S.S.I. 2014/160, art. 2(1)(2), sch. (with art. 3)
- F5** Words in s. 39(4) substituted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 175\(2\)](#), 206(1); S.S.I. 2011/178, art. 2, sch. (with sch.)
- F6** S. 39(4A) inserted (30.6.2014) by [Regulatory Reform \(Scotland\) Act 2014 \(asp 3\)](#), [ss. 56\(b\)](#), 61(2); S.S.I. 2014/160, art. 2(1)(2), sch. (with art. 3)
- F7** S. 39(5)(6) inserted (28.3.2011) by [Criminal Justice and Licensing \(Scotland\) Act 2010 \(asp 13\)](#), [ss. 175\(3\)](#), 206(1); S.S.I. 2011/178, art. 2, sch. (with sch.)

Marginal Citations

- M1** 1871 c. 96.

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Changes and effects yet to be applied to :

- s. 39(3)(f) words substituted by [2005 asp 10 sch. 4 para. 5\(b\)](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)