

Pedlars Information

- 1 There are two lawful categories of street trading – **Certified & Licensed**.
- 2 By definition street trading ‘includes selling or offering or exposing for sale any article’ and applies to both Certified & Licensed ‘trading in the street’ commonly known as ‘street trading’.
- 3 A Licensed street trader is restricted to a fixed pitch and calls upon provision of local authority services.
- 4 A Certified street trader is unrestricted and exempt from local authority street trading regime and services.
- 5 Both types of trade include the exhibiting of goods to attract sales. Exhibiting includes the demonstrating of goods and attraction of customers but there is a difference in the context of attracting customers or going to one’s customer.
- 6 A Licensed street trader is not free to move the pitch from one location to another – this is because a particular space is allocated for the licence and services provided.
- 7 A Certified street trader is itinerant and therefore free to travel in search of a market and customers in towns and cities of his choice, where and when he chooses, and with what goods he chooses. It is in this context that the expression “he must go to his customers” refers. It does not mean that a pedlar must remain in perpetual motion.
- 8 Nothing in law prohibits a Certified street trader from trading in one town or a particular street for any length of time though remaining in one spot for 15-20 minutes has been cited in case law [Manchester-v-Taylor 1989, Tunbridge Wells-v-Dunn 1996].
- 9 A Certified street trader may trade in a ‘designated’ street [Tunbridge Wells-v-Dunn 1996], or may walk up and down a busy shopping street [Wrexham-v-Roberts 1996].
- 10 A Certified street trader must travel as well as trade but does not have to do both simultaneously; he must not occupy a particular position or pitch for any significant period; [Stevenage-v-Wright 1996].
- 11 A Certified street trader’s entitlement to stop is not only limited to effect a sale or a series of sales; does not take the activities outside the definition of pedlar; conduct should not be so narrowly prescribed; there are other reasons he may stop eg procuring orders [Wrexham-v-Roberts 1996] [Croydon-v-Burdon 2002].
- 12 A Certified street trader may stop and wait for members of the public to approach him [Tun Wells-v-Dunn]
- 13 Words in an Act of Parliament are to be interpreted in the context of the time the Act was passed [Chichester-v-Wood 1997].
- 14 Hawkers, defined also as pedlars, are permitted to use a small means of carrying goods [Hawkers Act 1888 – repealed], [Opposed Bill Committee on Bournemouth & Manchester bills 2009].
- 15 In jurisdictions where private bills have been enacted the attempted amendment to restrict pedlars to only door to door selling has been overturned [Opposed Bill Committee on Bournemouth & Manchester bills 2009] finding that pedlars can also go ‘other than from door to door’, in fact any place and this includes the street whether designated or not.
- 16 Certified street traders have lawful authority [Certificate] to use the public highway with or without small means of conveyance [Highways Act 1980 Section 137] [Shepway-v-Vincent 1994].
- 17 Certified street traders are exempt from the street trading regime of the Local Government (Miscellaneous Provisions) Act 1982 & Civic Government of Scotland Act 1982 which apply only to regulation of Licensed street traders.
- 18 To determine whether the activities of a pedlar fall outside the protection of a Certificate a number of facts are to be considered: scale and proportion of equipment compared to Licensed trader; number and type of goods on display; whether goods were being carried, pushed or pulled; whether any burden on local resources; whether itinerant traveller and trader or not; whether a fixed pitch was established [Chichester-v-Wood 1997]
- 19 List of Case Stated:

1988 Watson-v-Malloy	1996 Tunbridge Wells-v-Dunn
1989 Manchester-v-Taylor	1996 Stevenage-v-Wright
1993 Normand-v-Alexander	1997 Wrexham-v-Roberts
1993 Prentice-v-Normand	1997 Chichester-v-Wood
1994 Shepway-v-Vincent	2002 Croydon-v-Burdon
1996 Westminster-v-Elmasoglu	

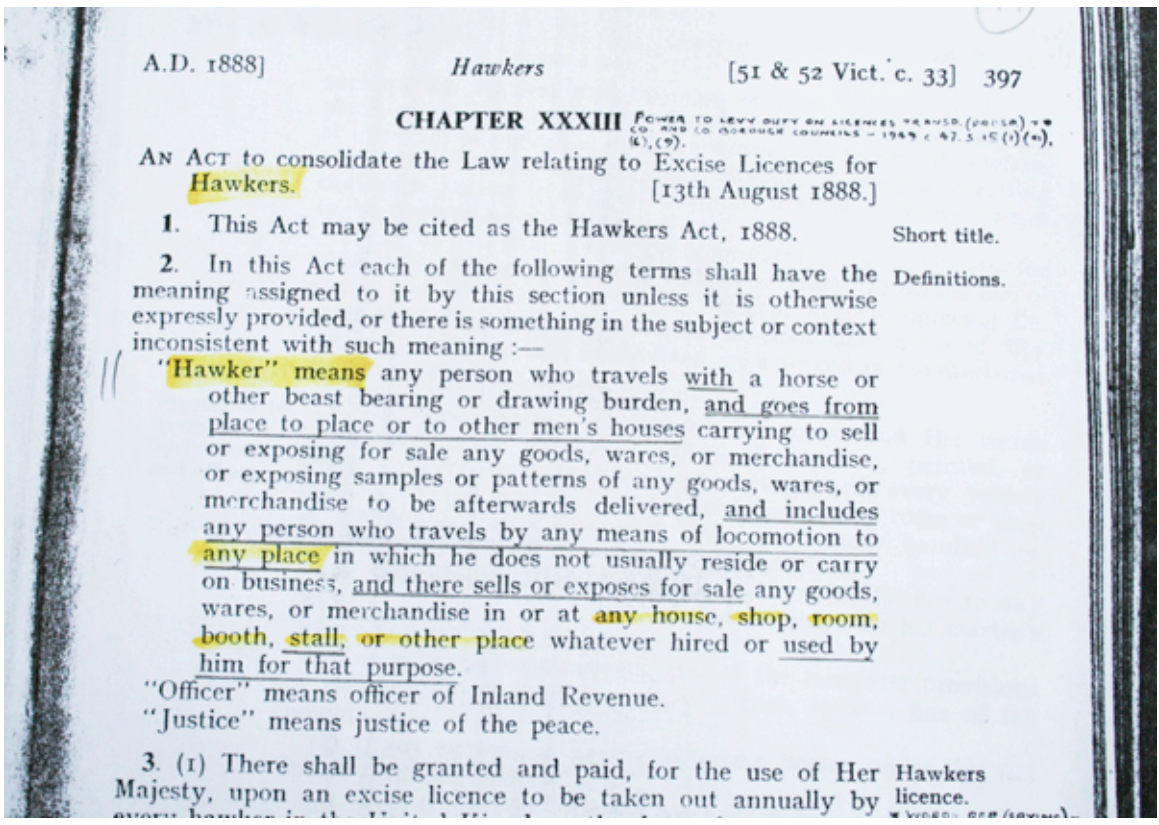
DEFINITIONS: - Language & Glossary

**a) PEDLAR , Certified Pedlar & Genuine Pedlar
Pedlars Act 1871:**

The term pedlar means:
“Any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs
or other person who
without any horse or other beast bearing or drawing burden
travels
and trades
on foot
and goes from town to town
or to other men's houses
carrying to sell or exposing for sale any goods wares or merchandise
or procuring orders for goods or merchandise immediately to be delivered
or selling or offering for sale his skill in handicraft.”

Pedlars Act 1881:
“authorises a person to act as a pedlar within
any part of the United Kingdom”

**b) HAWKER, Certified Hawker
Hawkers Act 1888:**



Hawkers Licences were finally abolished under the Local Government Act 1966 which was followed by the LGMPA 1982 to enable control and licensing of hawking in designated streets; elsewhere there were no constraints.

c) PETTY CHAPMAN

Chapman is a derivative of the Saxon word Caepman, meaning a marketman, a monger or a merchant. According to a list of colonial occupations, a chapman is a peddler or dealer of goods, usually itinerant, going from village to village.

The name comes from the Old High German choufman or koufman, which became the Old English céapman. Old High German chouph, Old Saxon cop and Old English céap meant barter, business, dealing, which, combined with mann or man, gives the name CHAPMAN. Other spellings of the name include cepeman, cypman, cypmann, chepmon, caepmon, and even shapman!

The Oxford English Dictionary supplies four meanings for chapman:

A chapman was a man whose business was buying and selling: - a merchant, trader or dealer.

Second, he was an itinerant dealer who travelled about from place to place selling or buying; one who kept booths at markets etc; a hawker, a peddler (English spelling).

The third meaning is that of an agent in a commercial transaction, a negotiator or broker.

Fourth, a chapman was a purchaser or customer.

There is also a citation that appears to be a law handed down by Edward VI in 1553 that a petty chapman was a retail dealer.

It is plain to see from this derivation, how the Pedlars Act is a necessary and vital part of the life of community: that the Pedlars Act encapsulates every one eligible throughout the land, both as customers and as the necessary agents for business or as a broker. These sorts of transactions can be carried out anywhere and it is unreasonable to view them merely as the purview of only a select few who meet in secret. Closed doors indicate closed minds, and closed minds prejudice a vibrant society.

d) TINKER

A tinker was originally an itinerant tinsmith, who mended household utensils, *but “menders” remain travelling throughout the land*

e) OTHER

Other means none of the aforementioned, distinct from the aforementioned or implied in them, *but also indicates that the Pedlars Act encompasses all and any lawful activity.*

f) LICENSED STREET TRADER / Licensed Static Hawker/ large-scale fixed-pitch hawker

Hawker Licensed by Council to sell from a fixed pitch with barrow in a designated street.

The difference is between a mobile hawker with no guarantee of any definite prospect for any trade and one who with a fixed pitch enforced by licence has some help to secure the probability of regular trade

g) CERTIFIED PEDLAR & small-scale hawker

Pedlar Certified by Police acting for the Magistracy to trade as a pedestrian with small means to transport goods anywhere.

h) ROGUE, ROGUE TRADER, ILLEGAL TRADER, Illegal Street Trader

None of the above

i) street trader

Non-specific term generally related to any activity in the street for gain or reward. Includes all the above. Should not be confused with “Street Trader” being the formal text for a “Licensed” trader.

j) Itinerant

Traveller from place to place; not fixed or stationary; travelling on a circuit especially in the pursuit of a trade or a calling

COMPARISON CHART between **CERTIFIED PEDLARS** and **LICENSED STREET TRADERS**

Note: both categories are commonly known as ‘street traders’

	CERTIFIED	LICENSED
Regulation	Pedlars Acts	Local Authority (MP) Act
Statute type	National	Local
Type of Authority	Pedlars Certificate	Street Trading Licence
Issued by	Magistracy via Police	Local Authority/Council
Revocation	yes – by Magistrate	yes – by Council
No of Clauses of Regulation	27	10
No of subclauses	38	190
Minimum age	17	17
Application Form	Pedlars Act Form A	Designed by Council
Document Form	Form B Pedlars Act	Licence
Photographic Identity	Not required	Yes
Renewal	Annual	Annual
Public Liability Insurance	Not required	Required
Scale of operation	Pedestrian 0.12m ² 1% Up to 1 cubic metre vol	Fixed pitch 4x3m 12m ² 100% any size within fixed pitch
Cost per annum	£12.50	£600 - £2500
Cost per square meter	0.4x0.3m ² =£104	4x3m ² = £50 - £207
Cost per day	variable	£1.64 - £6.84
Restrictions:		
Where to trade?	By choice anywhere in UK	Designated places only
When to trade?	By choice – any time	Specific times & days
What to trade?	By choice – any product	Specific products only
Competition?	No restriction	Restricted to 500m
Conditional?	Within the Law	Yes
Burden on local charges	None	Yes
Are they Street Trading?	No – LGMPA S3Sch4Cl2(a)	Yes
Is obstruction an issue?	No – a pedlar can move	Yes – hence regulation

COMPARISON CHART between PEDLARS and HAWKERS

	PEDLAR	HAWKER
Regulation	Pedlars Acts 1871 - current	Hawkers Act 1888 – repealed
Type of Authority	Pedlars Certificate	Hawkers Licence abolished for those with horse under Local Gov Act 1966 Those on foot deemed pedlars
Issued by	Magistracy via Police	Local Authority/Council Hence Licensed Hawker
Scale of operation	Pedestrian <u>without</u> beast of burden	<u>with</u> beast of burden/cart, trolley, stall, stand
Burden on local charges	None	as per Licensed Street Traders
Are they street trading?	No they are traders in the street exempt from the regime of street trading by LGMPA 1982	open to interpretation
Is obstruction an issue?	No – a pedlar can move	subject to the Highways Act

This information is produced for Regulators and Pedlars by www.pedlars.info a not for profit online information centre to assist in differentiation between pedlary regime and local authority regime for street trading.

Report by any authority to determine whether the activities of a trader are those of a Certified Pedlar protected by a Pedlars Certificate or whether the activities fall outside that protection and therefore subject to Licensed Street Trading Regime.

QUESTIONS:	YES	NO
1 does the trader have a current Pedlars Certificate?		
2 is the trader a pedlar? ie carrying goods on the person		
3 is the trader a hawker? ie using a means of carrying goods		
4 if the trader is a hawker, is the scale of operation that of a Licensed trader ie large-scale trolley		
5 has the trader moved more than a few metres since first observed?		
6 is the trader causing obstruction?		
7 is the trader attracting custom?		
8 is the trader avoiding custom?		
9 is the trader exposing 1 product or a large range of products akin to a Licensed trader?		
10 does the trader's operation require any local services? eg garbage removal		
11 has the trader established a fixed pitch akin to a Licensed trader?		
12 are you aware of the difference between certificate and licence?		

QUESTIONS:	ANSWER:
a) describe why the trader is not a pedlar?	
b) what trading activity was not considered pedlary?	
c)	

Date:

time:

location:

trader's name:

officer's name:

