Spurious On-line information 15 October 2009

Researched by pedlars.admin@gmail.com

It has come to the attention of pedlars info that some local authorities are producing spurious information to spike the legal process concerning pedlary, whilst ignoring the findings of government and Parliament.

Two examples are herewith considered; firstly Nottingham City Council: click this link to the page: http://www.nottinghamcity.gov.uk/index.aspx?articleid=1449



This page makes a false and misleading claim by inferring that the council controls all street trading. Under the quoted Act Council controls only those fixed pitches which it Licences. The Act clearly states that pedlars are exempt from street trading controls. The Council is causing undue harassment and intimidation of law-abiding pedlars by issuing them with a letter in which it is stated that:

- 1 It is a CRIMINAL OFFENCE to engage in street trading
- 2 Pedlars will have to prove that they are acting lawfully
- Remaining stationary is an indication of illegal street trading
- 4 If prosecuted, Council will attempt to revoke the pedlar's Certificate

Firstly a pedlar is lawfully entitled to trade in the street.

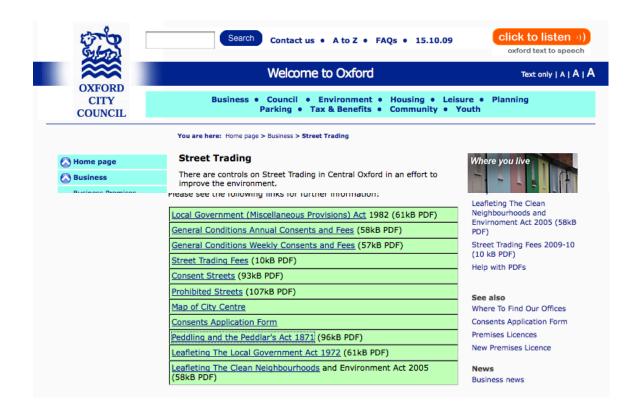
In legal proceedings it is the prosecution that must prove that a pedlar, beyond reasonable doubt, was not acting as a pedlar.

There are many lawful reasons why a pedlar can be "remaining stationary": to trade, to exhibit, to discuss or to demonstrate skill in handicraft etc.

If prosecuted pedlars are entitled to seek an immediate Appeal of the decision.

The second example is Oxford City Council:

click this link to the page: http://www.oxford.gov.uk/business/street-trading.cfm



This 2 page .pdf document selects case law to suit without indicating any case law which found the pedlar innocent. The Pedlar's Advice given includes:

- 1 You must not frequent Oxford City Centre every day
- 2 A pedlar using a portable stall in a street is not classed as a pedlar
- 3 You must remain in perpetual motion and not remain in one street
- 4 Other Councils rely on private Acts to alter the definition of pedlary

Firstly, no law exists that prevents a pedlar trading in Oxford every day.

A pedlar and a hawker are defined as the same – a pedlar carries goods and a hawker has a means of carrying goods. The definition and case law provides for a pedlar to use a small means.

Recent Select Committee Hearing on Bournemouth Borough Council bill found the notion of perpetual motion a nonsense and no law supports the claim that a pedlar may not remain in one street.

Other Councils have introduced private Acts to restrict pedlars but the two most recent being Bournemouth and Manchester have been blocked from proceeding on the grounds that pedlars activities include "other than only door-to-door" – ie in support of the Pedlars Act 1881 they "may act within any part of the United Kingdom".

The third example is being handed to pedlars by Middlesbrough Council:

Middlesbrough Council

www.middlesbrough.gov.uk

COMMUNITY PROTECTION SERVICES Licensing

PO Box 65, Vancouver House, Gurney Street, Middlesbrough TS1 1QP Tel: (01642) 245432



12 November 2009

Direct Line: (01642) 728011

Switchboard: (01642) 245432

Fax: 728902 Our Ref: Your Ref:

When telephoning please ask for:

Licensing

Dear Sir/Madam

Pedlar's Certificate

If a person keeps 'resting' while displaying goods for sale, he is likely to lose the status of 'pedlar'.

e Council has taken the view that if you visit Middlesbrough on a regular basis you are not 'going from town to town'. In addition, if you are not constantly moving but frequently creating a pitch at which people approach you, rather than only stopping to sell, you will be deemed as acting as a street trader.

If any 'stall' is found to be of such construction which indicates it is designed for displaying wares rather than for the transport of goods, the Council's view will be that there is an intention by the stall holder to set up for business as a street trader.

If you are prosecuted under any of the above opinions (they are not statements of law) then you have very good grounds for Appeal. Please send the full set of Summons documents to pedlars.admin@gmail.com to review and assist you to overturn the judgment.