



Branchfield House
Ballymote
Co Sligo
Ireland

Marcelle Janssis
Consumer & Competition Policy Directorate
BIS

30 September 2011

Dear Marcelle

I am in receipt of your letter dated 2 August.

The substantive issue has not been addressed by your reply. It concerns not just the few pedlars who actively write to you, nor the silent majority of those in the professional practice of pedlary. More importantly, it concerns "any person" above the age of 17. If that body of people understood what the civil service was doing to a particular civil liberty then the voice of the people may be louder than those of us who try to respectfully engage in consultation in the general interest. Your lack of serious engagement with our concerns must be founded on your frail hope that such issues attract little public interest and media scrutiny.

Your letter lacks any respect by way of defence of the civil provisions contained in the Pedlars Act. Those civil provisions have endured for 314 years under the protection of HMG but your new BIS posting seems intent on destroying that cultural heritage.

I am personally interested under the Freedom of Information Act to receive copy of your brief to de-regulate pedlary and about its justification in law. I also have to speak as a pedlar and in the collective sense of "us" and "we" as pedlars as I include myself as one and I have volunteered to research and collate information brought through to pedlars.info by other pedlars about their plight.

The significant change in BIS policy from the position of amending statute (under Dennison URN09/1074) to repealing statute (URN11/542) has no justified credibility to those most adversely affected. The excuse, being the Services Directive, is unconvincing. The SD is intended to preserve the social and cultural fabric and strip away bureaucratic barriers opening free trade in the internal market. BIS policy change inverts that aim by dismantling social and cultural heritage and limiting diversity in consumer choice by abandoning civil certification for 'any person' to participate in the economic life

throughout the UK and redefining those rights in restrictive economic terms under local street trading controls without any proportional balance for preserving the rights freedoms and liberties enshrined in the Pedlars Act.

Those stakeholders who have considered this issue are concerned that HMG/BIS is abusing legislative powers to dismantle a civil liberty that was intended to distinguish a particular socio-economic group of certified traders from that of vagrants (Section 13 Pedlars Act).

The consequence of repealing the Pedlars Act will degrade culture and return all "unlicensed" persons in the eyes of LA's to the category of vagrant, exposing pedlars to local fiefdom abuse similar to circa 1871.

Street Trading legislation was introduced in 1982 to overcome the highway obstruction problems caused by large scale static hawking and specifically exempted (amongst others) those non-static pedestrian traders acting under certificate. The loophole in the 1982 legislation has already been rehearsed by pedlars.info and legislatively addressed more recently in the Bournemouth and Manchester private Acts limiting the volumetric scale of a pedlar's apparatus to one cubic metre.

Since 1999, when private business interests began initiating private Acts, Local Authorities have been increasingly abusing interpretation of Street Trading legislation to prohibit pedlary in those jurisdictions. The mechanism used is by way of LA prosecutions for the criminal offence of "street trading without a licence" in which street trading is defined as "selling or exposing for sale goods" whilst ignoring the certificated civil provisions for a pedlar to "sell or expose for sale any goods".

The anomaly to be resolved exists in more clearly defining the term "street trader" and this is because certified pedlars and licensed street traders both trade in the street and therefore colloquially known as street traders - pedlars being ambulant and able to move and licensed traders being static on a highway department approved allocated pitch.

We consider the intention of BIS to reinvent the term pedlar under an exclusive and restrictive regime intended for licensed commerce is a notion full of mischief, ignorant of cultural foundation and in terms of the SD an offence against its aims.

URN11/542 gives no information to stakeholders about textual amendment to the description or definition of a pedlar and nor does it address the more important textual amendment in the definition of street trader. A reader of that report cannot make an informed judgment without this information and is unable to consider the implications of the proposed policy.

This consultation has to address principles and refrain from repetition and/or dilettante distractions. The conversation has to begin with forming a consensus with stakeholders about the aims and intentions of each of the 3 main instruments under examination namely the Pedlars Act, Street Trading Acts & The Services Directive.

The current policy formulations of your department that have now become apparent indicate that there has been a successful lobby by those who wish to have control and/or prohibition of commercial competition other than in a completely free trade zone. Pedlars have always been the most visible and active of all free-trade entrepreneurs and their cooperation with your department has always been based on pedlars' belief that your political policy aims are to *sustain and develop diversity in culture* and not be distracted by the aspirations of a collection of lobbyists seeking to denounce a PRINCIPLE that is best expressed in the *bona fides* of the Pedlars Act.

You have asked my colleague Nic McGerr what he sees as the principle of the Pedlars Act and how it differs from the definition of a pedlar.
It is time now for you to disclose what you consider are the main principles of those three instruments which you should have under examination. Without any such scrutiny and disclosure it will appear that you prefer a deaf consultation lacking mutual agreement.

Sincerely

Robert Campbell-Lloyd
pedlars.info admin