



6 June 2012

Dear Mr McGerr

BIS Consultation – Lamb 293050

Thank you for copy of Mr David Heath’s letter inviting comment from Under Secretary of State at the Department of Business, Innovation and Skills (BIS) on various documents supplied by you.

Although we appreciate the protocol limitations on Mr Lamb’s response there is a worrying lack of interest in any solution to preserve and amend the Pedlars Act as proposed in URN09/1074 Nov 2009. Instead BIS continues pursuing a formidably complex route to solve the riddle of *Street Trading and Pedlary Law* and about which government took an unsubstantiated u-turn in policy from the 2009 document to URN11/542 in March 2011. That change remains unexplained, lacking consultation or impact assessment.

Against public and pedlar’s representations to the contrary, Mr Lamb repeats the derisory reasoning to deregulate and repeal the Pedlars Act on a perverse interpretation of the Services Directive (SD) and which he must admit is not the first interpretation error by his department – the first in 2009 being BIS misinterpretation of the meaning of “service” as “*any self-employed economic activity*” contained in Article 4 of the SD 2006.

Pedlars have herewith collaborated pro-actively to provide BIS with a simple but substantive solution at Appendix A and Appendix B attached to this letter and via the following [hyperlink](#) to re-invigorate the original BIS policy to amend and update the Pedlars Act and to satisfy the SD amongst other legislation.

<http://www.pedlars.info/bis-consultation/109-7-june-2012-pedlars-act-proposed-amendments.html>

Consequential to these amendments are proposed amendments to the Local Government (Miscellaneous Provisions) Act (LGMPA) and the London Local Authorities Act (LLAA) at Appendix B.

The amendments address the main textual anomalies reflecting a decade of developments emanating from numerous Select Committee Hearings on private bills and the most recent requirement to implement the Services Directive into all related law. The focus concerns pedlary and it is recognised that the amendments are not exhaustive and that there will be other amendments to Licensed Street Trading legislation outside the remit of this focus.

Pedlars have applied a common sense approach using simply understood textual language that may require further parliamentary refinement.

Pedlars believe that these amendments will provide the following remedies:

- Compatibility between all Street Trading and Pedlary Law
- Clarity and consistency of interpretation of law
- Compatibility with the Services Directive
- Compatibility with the Human Rights Act
- Compatibility with private Acts
- Preservation of a cultural identity

Mr Lamb's reference to reducing burdens and minimising bureaucracy on business also requires a responsible solution and the BIS changed policy, whilst stating the aim of preserving pedlary, will in due course in itself lead to total prohibition of pedlary by zealous local authorities willing to continue their campaigns to infringe pedlars rights to the extent of ultimate prohibition. This will be achieved using fallacious justification already set out in readiness for LA's by BIS in URN11/542.

Such an insidious process will be achieved firstly by ignoring criminal activity filling the void of certified pedlary and thereafter citing such chaos as evidence to support total prohibition under the SD justification of public safety.

There being some hundreds of jurisdictions, pedlars however will be in no position to oppose these many prohibitions despite knowing full well that the SD meaning of public safety is found within the SD at Article 23 to mean specifically the possibility only of serious injury or death.

More purposefully, in the interests of reducing burdens, minimising bureaucracy and making a Pedlars Certificate Form B consistent throughout all jurisdictions, it remains for government to nominate one central on-line point of contact for application, registration and issuance of an updated Form of certificate and with publicly verifiable validation of certificates. This will enable removal or further amendment of Pedlars Act Section 9 regarding where application Forms are available.

In the absence of substantive dialogue and open consultation with BIS, pedlars request that the proposed amendments to *Street Trading and Pedlary Law* in the attached appendices form part of the ongoing public government consultation.

Pedlars via pedlars.info are willing to constructively consult on implementing this process of redrafting the legislation.

Please forward this letter together with your own correspondence to Messrs Heath and Lamb.

Pedlars are currently being consulted on these amendments.

Yours sincerely

Robert Campbell-Lloyd
Branchfield House, Ballymote, Co Sligo, Ireland
pedlars.info
Roll B Parliamentary Agent

Appendix 1 [link](#):

<http://www.pedlars.info/bis-consultation/109-7-june-2012-pedlars-act-proposed-amendments.html>

Appendix 2 [link](#):

<http://www.pedlars.info/bis-consultation/109-7-june-2012-pedlars-act-proposed-amendments.html>



RECEIVED

23 MAY 2012

BIS

**Department for Business
Innovation & Skills**

Norman Lamb MP

Minister for Employment Relations,

Consumer and Postal Affairs

With Compliments

Our ref: 293050

Your ref: CN/Law :

DAVID HEATH CBE MP

22 May 2012

Dear David,

Thank you for your letter of 5 April enclosing a collection of correspondence from your constituent, Nick McGerr, about the Pedlars Act.

As you know, we are fully aware of the concerns raised by Mr McGerr, and the organisation Pedlars.info, in relation to the Departments proposal to repeal the Pedlars Acts 1871 and 1881, and also the need to comply with the European Services Directive. We have explained our position to both Mr McGerr and Pedlars.info in various pieces of correspondence over the years, and as you may recall, the Department intends to issue a consultation on this matter in due course. Firstly, we do not think that we have sufficient justification to retain the pedlar certification scheme as it contains both a residential, and a good character requirement which goes totally against the purposes of the Services Directive. Secondly, we believe that the Pedlars Act creates unnecessary restrictions on the freedom to trade, again, something which goes directly against Government policy to reduce burdens on business and minimise bureaucracy.

As part of the consultation process, we intend to consult on a draft definition of what constitutes "genuine" pedlary. Stakeholders, which includes Pedlars, will have an opportunity to comment on the proposed regulations.

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www.bis.gov.uk

I hope you will appreciate, that I cannot comment further on this important issue at this stage.

A handwritten signature in black ink, appearing to read "Norman Lamb". The signature is written in a cursive style with a long horizontal stroke at the bottom.

NORMAN LAMB MP