



Pedlars Act 1871 *textual extract*

1871 CHAPTER 96 34 and 35 Vict

An Act for granting Certificates to Pedlars.

[21st August 1871]^{X1}

Annotations: ?

Editorial Information

X1 This Act is not necessarily in the form in which it has effect in Northern Ireland.

Modifications etc. (not altering text)

C1 Preamble omitted under authority of Statute Law Revision (No. 2) Act 1893 (c. 54)

C2 References to Ireland to be construed as exclusive of Republic of Ireland: S.R. & O. 1923/405 (Rev. X, p. 298; 1923, p. 400), art. 2

C3 This Act is not necessarily in the form in which it has effect in Northern Ireland

Preliminary

1 Short title.

This Act may be cited as "The Pedlars Act 1871."

2 F1

Annotations: ?

Amendments (Textual)

F1 S. 2 repealed by Statute Law Revision (No. 2) Act 1893 (c. 54)

3 Interpretation of certain terms in this Act. "Pedlar". *proposed textual update 5 June 2012*

In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,—

The term "pedlar" means any ~~hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without scale and proportion of means that are greater than those of a pedestrian~~ ^{place to place as an ambulant trader} ~~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, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft;

... F2

F3 ...

Annotations: ?

Amendments (Textual)

F2 Definitions repealed by Statute Law Revision (No. 2) Act 1893 (c. 54), Police Act 1964 (c. 48), Sch. 10 Pt. I and Police (Scotland) Act 1967 (c. 77), Sch. 5 Pts. I, II

F3 Definiton in s. 3 repealed (5.11.1993) by 1993 c. 50, s. 1(1), Sch. 1 Pt. I Group 1.

4

No one to act as a pedlar without certificate.

No person shall act as a pedlar without such certificate as in this Act mentioned, or in any district where he is not authorized by his certificate so to act.

Any person who—

- (1) acts as a pedlar without having obtained a certificate under this Act authorizing him so to act;

... **F4**

shall be liable for a first offence to a penalty not exceeding [**F5**level 1 on the standard scale], and for any subsequent offence to a penalty not exceeding [**F5**level 1 on the standard scale].

Annotations: ?**Amendments (Textual)**

F4 Words repealed by Pedlars Act 1881 (c. 45), Sch.

F5 Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), s. 46 and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), s. 289G

5

Grant of certificate. **E+W+S**

The following regulations shall be made with respect to the grant of pedlar certificates:

- (1) Subject as in this Act mentioned, a pedlar's certificate shall be granted to any ^{eligible} person by the ^a chief officer of police [**F6**for the police area] in which ~~the person applying for a certificate has, during one month previous to such application, resided,~~ on such officer being satisfied that the applicant is above seventeen years of age, ~~is a person of good character,~~ and in good faith intends to carry on the trade of a pedlar:
- (2) An application for a pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (3) There shall be paid for a pedlar's certificate previously to the delivery thereof to the applicant a fee of [**F7**£12.25]
- (4) A pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (5) A pedlar's certificate shall remain in force for one year from the date of issue thereof, and no longer:
- (6) On the delivery up of the old certificate, or on sufficient evidence being produced to the satisfaction of the chief officer of police that the old certificate has been lost, that officer may, either at the expiration of the current year, or during the currency of any year, grant a new certificate in the same manner as upon a first application for a pedlar's certificate. In Great Britain one of Her Majesty's Principal Secretaries of State, and in Ireland the Lord Lieutenant may from time to time provide for the expiration of all pedlars certificates at the same period of each year, and in doing so shall provide for the apportionment of the fees payable in respect of any such certificate.

Annotations: ?**Extent Information**

E1 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Amendments (Textual)

F6 Words in s. 5(1) substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), Sch. 7 Pt. II para. 2

F7 Words substituted (E.W.) by virtue of S.I. 1985/2027, art. 2 and (S.) by virtue of S.I. 1985/2054, art. 2

Modifications etc. (not altering text)

C4 Power to amend s. 5 (E.W.) conferred by Local Government Act 1966 (c. 42), s. 35(2), Sch. 3 Pt. II para. 8

C5 Power to amend s. 5(3) conferred (S.) by Local Government (Scotland) Act 1966 (c. 51, SIF 81:2), s. 42(2), Sch. 4 Pt. II (as amended by Local Government (Miscellaneous Provisions) (Scotland) Act 1981 (c. 23, SIF 81:2), s. 40, Sch. 3 para. 12)

Grant of certificate.**N.I.**

as per E+S+W Section 5

The following regulations shall be made with respect to the grant of pedlar certificates:

- (1) Subject as in this Act mentioned, a pedlar's certificate shall be granted to any person by the chief officer of police of the police district in which the person applying for a certificate has, during one month previous to such application, resided, on such officer being satisfied that the applicant is above seventeen years of age, is a person of good character, and in good faith intends to carry on the trade of a pedlar:
- (2) An application for a pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (3) There shall be paid for a pedlar's certificate previously to the delivery thereof to the applicant a fee of **[F33 £12.25]**
- (4) A pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (5) A pedlar's certificate shall remain in force for one year from the date of issue thereof, and no longer:
- (6) On the delivery up of the old certificate, or on sufficient evidence being produced to the satisfaction of the chief officer of police that the old certificate has been lost, that officer may, either at the expiration of the current year, or during the currency of any year, grant a new certificate in the same manner as upon a first application for a pedlar's certificate. In Great Britain one of Her Majesty's Principal Secretaries of State, and in Ireland the **[F34 Department for Social Development may by order provide]** for the expiration of all pedlars certificates at the same period of each year, and in doing so shall provide for the apportionment of the fees payable in respect of any such certificate.

Annotations: ?**Extent Information**

E6 This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

Amendments (Textual)

F33 Words substituted (N.I.) by virtue of S.R. 1985/350. art. 2(1)

F34 Words in s. 5(6) substituted (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(1), Sch. 1 para. 6(1) (with art. 5)

Effect of certificate.... **F8**

For the purpose of the **M1** Markets and Fairs Clauses Act 1847, and any Act incorporating the same, a certificate under this Act shall have the same effect, within the district for which it is granted, as a hawkers license, and the term "licensed hawker" in the first-mentioned Act shall be construed to include a pedlar holding such a certificate.

Annotations: ?**Amendments (Textual)**

F8 Words repealed by Pedlars Act 1881 (c. 45), Sch.

Marginal Citations

M1 1847 c. 14.

..... **F9****Annotations:** ?**Amendments (Textual)**

F9 S. 7 repealed by Pedlars Act 1881 (c. 45), Sch.

8 **Register of certificates to be kept in each district.** **E+W+S**

There shall be kept in each **[F10 police area]** a register of the certificates . . . **F11** granted . . . in **[F12 the area]** under this Act, in such form and with such particulars as may from time to time be directed in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the Lord Lieutenant.

The entries in such register, and any copy of any of such entries, certified by the chief officer of police to be a true copy, shall be evidence of the facts stated therein.

Annotations: ?

Extent Information

E2 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Amendments (Textual)

F10 Words in s. 8 substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 3(a)**

F11 Words repealed by **Pedlars Act 1881 (c. 45), Sch.**

F12 Words in s. 8 substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 3(b)**

8 **Register of certificates to be kept in each district.** **N.I.**

There shall be kept in each police district a register of the certificates . . . **F35** granted . . . in such district under this Act, in such form and with such particulars as may from time to time be directed in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the **[F36 Department for Social Development]**.

The entries in such register, and any copy of any of such entries, certified by the chief officer of police to be a true copy, shall be evidence of the facts stated therein.

Annotations: ?

Extent Information

E7 This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

Amendments (Textual)

F35 Words repealed by **Pedlars Act 1881 (c. 45), Sch.**

F36 Words in s. 8 substituted (2.12.1999) by S.I. 1999/663, arts. 1(2), 2(1), **Sch. 1 para. 6(2)** (with art. 5)

9 **Forms of application to be kept at chief police office.** **E+W+S**

Forms of applications for certificates shall be kept at every police office in every **[F13 police area]**, and shall be given gratis to any person applying for the same; and all applications for certificates shall be delivered at ^athe police office of the division or subdivision of the **[F13 police area]** ~~within which the applicant resides~~, and certificates, when duly signed by the chief officer of police, shall be issued at such office.

Annotations: ?

Extent Information

E3 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Amendments (Textual)

F13 Words in s. 9 substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), **Sch. 7 Pt. II para. 4**

Forms of application to be kept at chief police office. **N.I.** as per E+S+W Section 9

Forms of applications for certificates shall be kept at every police office in every police district, and shall be given gratis to any person applying for the same; and all applications for certificates shall be delivered at the police office of the division or subdivision of the police district within which the applicant resides, and certificates, when duly signed by the chief officer of police, shall be issued at such office.

Annotations: ?**Extent Information**

E8 This version of this provision extends to Northern Ireland only; a separate version has been created for England, Wales and Scotland only

10 Certificate not to be assigned.

A person to whom a pedlar's certificate is granted under this Act shall not lend, transfer, or assign the same to any other person, and any person who lends, transfers, or assigns such certificate to any other person shall for each offence be liable to a penalty not exceeding **[F14 level 1 on the standard scale]**.

Annotations: ?**Amendments (Textual)**

F14 Words substituted (E.W.S.) by virtue of (E.W.) *Criminal Justice Act 1982* (c. 48, SIF 39:1), s. 46 and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), s. 289G

11 Certificate not to be borrowed.

No person shall borrow or make use of a pedlar's certificate granted to any other person, and any person who borrows or makes use of such certificate shall for each offence be liable to a penalty not exceeding **[F15 level 1 on the standard scale]**.

Annotations: ?**Amendments (Textual)**

F15 Words substituted (E.W.S.) by virtue of (E.W.) *Criminal Justice Act 1982* (c. 48, SIF 39:1), s. 46 and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), s. 289G

12 Penalty for forging certificate.

Any person who commits any of the following offences; (that is to say,)

(1) Makes false representations with a view to obtain a pedlar's certificate under this Act:

[F16](2) Forges or counterfeits a pedlar's certificate granted under this Act.]

(3) . . . **F17**

[F16](4) Aids in making or procures to be made such forged or counterfeited certificate . . .]

[F16](5) Travels with, produces, or shows any such forged or counterfeited certificate . . .]

shall for the first offence be liable to a penalty not exceeding **[F18 level 2 on the standard scale]**, and for any subsequent offence, either instead of or in addition to such penalty, to be imprisoned for any term not exceeding six months, . . . **F19**

Annotations: ?**Amendments (Textual)**

F16 S. 12, paras. (2), (4) and (5) repealed (E.W.N.I.) by *Forgery and Counterfeiting Act 1981* (c. 45, SIF 39:7), s. 30, Sch. Pt. I

F17 Words repealed by *Pedlars Act 1881* (c. 45), Sch.

F18 Words substituted (E.W.S.) by virtue of (E.W.) *Criminal Justice Act 1982* (c. 48, SIF 39:1), s. 46 and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), s. 289G

F19 Words omitted by virtue of (E.W.) *Criminal Justice Act 1948* (c. 58), s. 1(2) and (S.) *Criminal Procedure (Scotland) Act 1975* (c. 21), s. 221(2)

Modifications etc. (not altering text)

C6 *Criminal Justice Act 1982* (c. 48, SIF 39:1), ss. 35 (in relation to liability on first and subsequent convictions), applies (E.W.)

C7 *Criminal Procedure (Scotland) Act 1975* (c. 21, SIF 39:1), s. 289E (in relation to liability on first and subsequent convictions), applies (S.)

SCHEDULES

F30 SCHEDULE ONE

Annotations: ?

Amendments (Textual)

F30 Sch. 1 repealed by (E.W.) Police Act 1964 (c. 48), Sch. 10 Pt. I and (S.) Police (Scotland) Act 1967 (c. 77), Sch. 5 Pts. I, II

SCHEDULE TWO *this online copy contains layout errors*** - see next page for amended Form A & Form B in original layout*

FORM A

Section 5.

E+W+S

Form of Application for Pedlar's Certificate.

1 I, A.B. [*Christian and surname of applicant in full*] have during the last calendar month resided at in the parish of in the county of

2 I am by trade and occupation a [*here state trade and occupation of applicant, e.g., that he is a hawker, pedlar, &c.*]

3 I am years of age.

4 I apply for a certificate under the Pedlars Act 1871, authorizing me to act as a pedlar within the [**F31** police area].

Dated this day of (Signed) A.B.

Form B.

Form of Pedlar's Certificate

In pursuance of the Pedlars Act 1871, I certify that A.B. [*name of applicant*] of in the county of aged years, is hereby authorized to act as a pedlar within the [**F31** police area] for a year from the date of this certificate. [*To be altered, if necessary, to correspond to any order of the Secretary of State or Lord Lieutenant of Ireland as to time of expiration of licenses.*]

Certified this day of A.D. (Signed)

The certificate will expire on the day of A.D.

Form C.

... **F32**

Annotations: ?

Extent Information

E5 This version of this provision extends to England, Wales and Scotland only; a separate version has been created for Northern Ireland only

Amendments (Textual)

F31 Words in the Second Schedule substituted (22.8.1996) by 1996 c. 16, ss. 103(1), 104(1), Sch. 7 Pt. II para. 6

F32 Form C repealed by Statute Law Revision Act 1883 (c. 39)

4 I apply for a certificate under the Pedlars Act 1871, authorizing me to act as a pedlar within the police district.

Dated this day of (Signed) A.B.

Form B.

Form of Pedlar's Certificate

In pursuance of the Pedlars Act 1871, I certify that A.B. [*name of applicant*] of in the county of aged years, is hereby authorized to act as a pedlar within the police district for a year from the date of this certificate. [*To be altered, if necessary, to correspond to any order of the Secretary of State or [**F38** Department for Social Development] as to time of expiration of licenses.*]

Certified this day of A.D. (Signed)

The certificate will expire on the day of A.D.

Form C.

N.I.

SCHEDULES

SCHEDULE ONE

SCHEDULE TWO

Section 5.

FORM A

FORM OF APPLICATION FOR PEDLAR'S CERTIFICATE.

1. I, A.B. [^{Forename}~~Christian~~ and surname of applicant in full] have during the last calendar month resided at ~~in the parish of~~ in the county of ~~in the~~ [full residential address for communication]
2. I am by trade and occupation a [here state trade and occupation of applicant, e.g., that he is a hawker, pedlar, &c.]
3. I am _____ years of age.
4. I apply for a certificate under the Pedlars Act 1871, authorizing me to act as a pedlar ~~within the~~ police district. within any part of the United Kingdom.

Dated this _____ day of _____ A.B. (^{Forename}Here insert ~~Christian~~ and surname of applicant.)
(Signed)

FORM B.

FORM OF PEDLAR'S CERTIFICATE

In pursuance of the Pedlars Act 1871, I certify that A.B. [name of applicant] of ~~in the county of~~ aged _____ years, is hereby authorized to act as a pedlar ~~within the~~ police district for a year from the date of this certificate. [To be altered, if necessary, to correspond to any order of the Secretary of State or Lord Lieutenant of Ireland as to time of expiration of licenses.]

Certified this _____ day of _____ A.D.
(Signed) [Here insert name and description of the officer signing the certificate.]
The certificate will expire on the _____ day of _____ A.D.

FORM C.

¹Form C repealed by Statute Law Revision Act 1883 (c. 39)

two

proposed Form A modelled on current Dorset Form A

Attach both photos here. There is no requirement under the Act to do so; therefore failure of this is not a reason to refuse an application.



PEDLARS ACT 1871

APPLICATION FOR PEDLARS CERTIFICATE
FORM A

1. I * [full name]
of [full residential address for all communication]
have during the last Calendar month resided at _____
EU Member State
in the parish of _____ in the county of _____.
2. I am by trade and occupation a ** _____
3. I am _____ years of age. (Date of Birth _____)
4. I apply for a Certificate under the Pedlar's Act 1871, authorising me to act as a pedlar.
5. If previous Certificate held – where issued and date _____
6. Self – defined ethnicity. Applicant to tick where applicable. There is no requirement under the Act to do so; therefore failure of this is not a reason to refuse an application.

Main Groups	Code	Description	✓	Main Groups	Code	Description	✓
White	W1	British		Mixed	M1	White and Black Caribbean	
	W2	Irish			M2	White and Black African	
	W9	Any other White background			M9	Any other Mixed background	
Asian or Asian British	A1	Indian		Black or Black British	B1	Caribbean	
	A2	Pakistani			B2	African	
	A3	Bangladeshi			B9	Any other Black background	
	A9	Any other Asian background					
Chinese or other Ethnic Group	O1	Chinese		Not Stated	N1	Called away	
	O9	Any other Ethnic group			N2	Disorder	
					N3	Not understood	
					N4	Declined	

Dated this _____ day of _____ year _____

Signature or Mark of Applicant _____

Signature of Police Officer/SDO _____

(* Insert Full First/Forename and Surname of Applicant)(** Insert trade- hawker, pedlar etc)

Pedlars Act, The Local Government (Miscellaneous

The applicant has been made aware of the conditions attached to the issue of the Certificate Provisions) Act, London Local Authority Act and that there are several adoptive local Acts that amend the text of the pedlar's exemption in local street trading regulation

and that they ~~will~~ ^{may} be subject to a ^{discretionary} suitability check at Divisional Headquarters.

POLICE USE ONLY

Fee of £ _____ received. Temporary Receipt No. _____ issued.

OPERATIONS MANAGERS DECISION –

GRANTED/NOT GRANTED

Reason:

Date _____ Signature _____

DIVISIONAL COMMANDERS DECISION ON APPEAL

GRANTED/NOT GRANTED

Reason:

Date _____ Signature _____



Pedlars Act 1881 *extract*

1881 CHAPTER 45

An Act to amend the Pedlars Act, 1871, as regards the district within which a certificate authorises a person to act as Pedlar.

[22nd August 1881]

WHEREAS by the Pedlars Act, 1871, it is provided that any pedlar who has obtained a pedlar's certificate desires to act as a pedlar in any other police district than that in which the certificate is taken out must obtain an indorsement of such certificate by the chief officer of police of such other district:

And whereas it is expedient to remove the necessity for such indorsement:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:

1 Short title.

This Act may be cited as the Pedlars Act, 1881. This Act and the Pedlars Act, 1871, may be cited together as the Pedlars Acts, 1871 and 1881.

2 Alteration of 34 & 35 Vict. c. 96 so far as regards requiring indorsement of a pedlar's certificate.

A pedlar's certificate granted under the Pedlars Act, 1871, shall during the time for which it continues in force authorise the person to whom it is granted to act as a pedlar within any part of the United Kingdom. The Pedlars Certificate Act, 1871, is repealed to the extent in the third column of the schedule to this Act mentioned.

Schedule

ENACTMENTS REPEALED

A description or citation of a portion of an Act in this schedule is inclusive of the word, section, or other part first and last mentioned or otherwise referred to as forming the beginning, or as forming the end, of the portion described in the description or citation.

Session and Chapter.	Title.	Extent of Repeal.
34 & 35 Vict. c. 96.	The Pedlars Act, 1871	Section four, from " or acts as a pedlar in any district" down to " this Act "; section six, from " a pedlar's certificate" down to " taken put" ; section seven; in section eight the words " and of the indorsement of certificates " and the words " and made " ; section y twelve so far as it relates to an indorsement, and section fifteen so far as it relates to an indorsement.