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# Arguments for withdrawal and subsequent rewriting of House of Commons Library Notes SN/HA/5693 and 2013/12/55-HAS whose sole purpose is to inform MP's of Pedlary such that they may make laws with proper foundation and knowledge

The House of Commons notes do not reflect the intentions of Parliament when the 1871 Pedlars Act was written; hence the notes are not based on law.

Authors of the following content are Roll B Parliamentary Agents providing information on pedlary at [www.pedlars.info](http://www.pedlars.info) (a not for profit website).

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# Table of Contents

Detail.....	4
Background .....	6
Statute.....	7
Pedlars Act 1871 .....	7
Pedlars Act 1881 .....	7
Hawkers Act 1888 .....	8
Cheshire County Council Act 1980.....	8
Local Government (Miscellaneous Provisions) Act 1982.....	8
Civic Government Scotland Act 1982.....	9
Hampshire Act 1983.....	9
Police & Criminal Evidence Act 1984 .....	9
Essex Act 1987 .....	9
London Local Authorities Act 1990 & 1994 .....	9
Case Law.....	11
Sample-v-Hulme 1956.....	11
Hirst-v-Yorkshire 1986 .....	11
Watson-v-Malloy 1988.....	11
Manchester-v-Taylor 1989.....	11
Pepper-v-Hart 1993 .....	11
Normand-v-Alexander 1993 .....	12
Prentice-v-Normand 1993 .....	12
Shepway-v-Vincent 1994 .....	12
Westminster-v-Elmasoglu 1996.....	12
Tunbridge Wells-v-Dunn 1996 .....	12
Stevenage-v-Wright 1996 .....	13
Wrexham-v-Roberts 1996.....	13
Chichester-v-Wood 1997 .....	14
South Tyneside-v-Jackson 1997 .....	14
Croydon-v-Burdon 2002.....	15
Jones-v-BathNES Council 2012.....	15
Private Acts .....	16
City of Westminster Act 1999 .....	16

City of Newcastle upon Tyne 2000 .....	16
Medway City Council Act 2004 .....	17
London Local Authorities Act 2004 .....	17
Leicester Liverpool & Maidstone Act 2006.....	18
Most Recent Private Bills Enacted .....	19
Bournemouth Borough Council Act and Manchester City Council Act 2009.....	19
Reading Borough Council Act 2013 & Nottingham Borough Council Act 2013 .....	19
Leeds Borough Council Act 2013 & Canterbury City Council Act 2013 .....	20
The government attempting to Repeal the Pedlars Act and redefine pedlary within the LG(MP)A as proposed in BIS consultation URN 12/605-606 will not increase UK people’s freedom from regulation as argued but will increase the burden of offence to be prosecuted by Local Authorities because of paragraph 10 in the LG(MP)A with regard to Offences.....	21
Qualified pedlars contend there are many problems and failings with the BIS Proposed Policy [Consultation URN 12/605 & 606 Legislative Proposals] .....	23
Stakeholder pedlar Legislative Proposals submitted to BIS prior to but ignored in formulation of Consultation URN 12/605 & 606.....	26
Authors’ Comment.....	28

# Arguments for withdrawal and subsequent rewriting of House of Commons Library Notes SN/HA/5693 and 2013/12/55-HAS

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The House of Commons notes do not reflect the intentions of Parliament when the 1871 Pedlars Act was written; hence the notes are not based on law. The originator of the documents must be instructed to withdraw both and issue a corrected document that will bear legal scrutiny.

## Detail

<p>The House of Commons notes do not reflect the intentions of Parliament when the 1871 Pedlars Act was written; hence the notes are not based on law.</p>	<p>Reason:</p> <p>Nowhere in the documents is any reference to the historic origins of certified pedlary legislation, nor of local authority street trading regulation for licenced traders and without this context the reader is unable to compare nor reasonably consider the allowable activities of pedlars and understand why Parliament gave Assent to the Pedlars Act.</p>
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It has been explained to BIS the authors of URN12/605 that although pedlars are street trading in as much as pedlars can sell anything anywhere throughout UK within law and have the same qualification as Licenced Street Traders to "expose for sale .. any thing.." - a pedlar cannot be prosecuted for not having a street trader's Licence because a pedlar with a Pedlars Certificate and acting as a pedlar is exempt from having to have a Street Trading Licence.

There is a clear distinction between a licenced street trader with a Street Trading Licence to trade on a fixed pitch with fixed terms and with how a Certified Pedlar acting as a pedlar is able to trade in the street because as a pedlar and being mobile the pedlar is exempt from having to have a fixed pitch within the fixed terms of a fixed Local Authority Street Trading Licence.

It is most important and the duty of Parliament to make clear statements about law but the muddled Short Notes in the Commons Library do not make clear what the law is in distinction between the lawful activities of a nationally authorised pedlar with a pedlars Certificate and of a locally authorised street trader with a Local Authority Street Trading Licence operating only from a fixed defined space.

Without Parliament continuing to be seen and known to be both the pinnacle but also the fulcrum of justice for people it passes legislation on for rule then the basis and power of Parliament is itself in question.

## Background

Lorraine Conway, author of the Library Standard Note [SN/HA/5693](#) dated 12 June 2012 was alerted to the fact that it is considered to be misleading as it fails to establish a clear Principle to help Members of Parliament recognise the similarity of persons street trading: those with a Pedlars Certificate but also the difference in the modus operandi or means of pedlars and those of licenced street traders. BIS the Department of Business, Innovation, and Skills through its Consumer and Competition policy directorate invited qualified pedlars at [pedlars.info](#) to remedy misdirection in the Short Note by rebuttal. The rebuttal was sent to the HC Library and also published online by [pedlars.info](#) 5 November 2013 and notified to Adrian Bailey MP Chair of the BIS Committee in Parliament requesting removal of the document as not fit for purpose other than for it to be amended.

Lorraine Conway's second Library Note [2013/12/55-HAS](#) to Alun Cairns MP dated 18 December 2013 fails again to address the underlying Principle.

Pedlars seeing that the HC Library Standard Note amendment reflects entirely the view of BIS as proposed to stakeholders in the BIS document URN 12/605-606 requested [pedlars.info](#) to take action, [pedlars.info](#) wrote to Martin Donnelly Permanent Secretary for BIS to notify him 1 January 2014 concerning "[Official Conduct at BIS](#)".

With no response from Martin Donnelly or Adrian Bailey and without complete edit and effective amendment to the Standard Notes to establish clear principle, pedlars contend that there is a deliberate and co-ordinated attempt to mislead Parliament. These communications are published under the menu link [HMG Consultation](#) at [www.pedlars.info](#)

Pedlars and members of the public call upon their MPs to rectify this situation as it is an offence against Parliament not to be tolerated by Parliament and those Members of Parliament alert to the commitment of offence.

The Speaker of the House, the Sergeant at Arms and the Secretary of State for Justice need be aware.

The following scrutiny of Statute and case law summarises the lawful activities of pedlars and should prove useful in the proper formulation of a valid 'House of Commons Library Note' on the subject:

Also referenced are pedlars proposals to BIS, BIS proposals ignoring those pedlars proposals and other pedlars communications with BIS.

# Statute

## Pedlars Act 1871

<p>*NOTE: Town Police Clauses Act 1847 Section 28 - it became unlawful to wilfully &amp; wantonly disturb any inhabitant by knocking at any door - this law survives</p>	<ol style="list-style-type: none"><li>1. any person who, as a pedestrian, travels and trades on foot [Section 3] – the European nomenclature is “ambulant”</li><li>2. goes from town to town or to other men’s houses* [Section 3] – including between houses and on the highway</li><li>3. carries to sell or exposes for sale any goods [Section 3]</li><li>4. procures orders for goods [Section 3]</li><li>5. sells or offers for sale skill in handicraft [Section 3]</li><li>6. does not trade without certificate as per Form B, Pedlars Act [Section 3]</li><li>7. is above age 17 [Section 5(1)]</li><li>8. in good faith intends to carry out the trade of a pedlar [Section 5(1)]</li><li>9. may freely trade in markets &amp; fairs [Section 6 &amp; 23] –without fee</li><li>10. shall not lend, transfer or assign a certificate [Section 10]</li><li>11. shall not be disorderly [Section 13]</li><li>12. may apply to the court for refusal to grant certificate [Section 15]</li><li>13. may be deprived of certificate if begging [Section 16]</li><li>14. on demand shall show certificate [Section 17]</li><li>15. shall allow inspection of goods and apparatus [Section 18] repealed but definition persists under the term pedlar</li></ol>
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## Pedlars Act 1881

	<ol style="list-style-type: none"><li>16. act as a pedlar within any part of the United Kingdom [Section 2] – restriction to local jurisdiction removed</li></ol>
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## Hawkers Act 1888

Repealed but definition exists under the term pedlar	<p>17. travels with beast of burden [Section 2]</p> <p>18. exposing goods or samples to be afterwards delivered [Section 2]</p> <p>19. travels by any means of locomotion to any place [Section 2]</p> <p>20. sells or exposes in or at any house, shop, room, booth, stall or other place whatever hired or used for that purpose [Section 2]</p>
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## Cheshire County Council Act 1980

*NOTE: open to challenge on HRA Article 1 Protocol 1 and in association with Article 14	21. any person who hawks, sells or offers or exposes for sale any thing without consent of council shall be guilty of an offence [c.XIII Part VI 30(2)(b)]
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## Local Government (Miscellaneous Provisions) Act 1982

	<p>22. sell or offer for sale food in sealed containers – food does not include water, milk or cream [Part IX 19(11)(e)&amp;(12)] – repealed by Food Act 1984 that in turn was repealed by Food Safety Act 1990</p> <p>23. ‘street trading’ means, subject to exemptions, the selling or exposing or offering for sale of any article (or living thing) in a street [Schedule 4 1(1)]</p> <p>24. 1st of 7 exemptions - acting as a pedlar is not ‘street trading’ under the LG(MP)A [Schedule 4 (1)(2)(a)]</p> <p>25. selling as a roundsman is not ‘street trading’ under LG(MP)A [Schedule 4 (1)(2)(f)]</p> <p>26. designation of streets; operating days &amp; times; description of articles by LA’s applicable only to licenced pitches and not applicable to pedlars [Schedule 4 (2)(1)]</p> <p>27. take reasonable precautions of obtaining a certificate and exercise due diligence to avoid a street trading offence [Schedule 4 (10)(2)]</p>
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### **Civic Government Scotland Act 1982**

<p>*NOTE: same exemption for pedlary as with the LGMPA 1982</p>	<p>28. any activity as a pedlar* shall not require a street trader's licence [chapter 45 Section (39) (2)(a) &amp; (3)(d)]</p>
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### **Hampshire Act 1983**

<p>*NOTE: open to challenge on HRA Article 1 Protocol 1 and in association with Article 14</p>	<p>29. any person who hawks, sells or offers or exposes for sale any thing without consent of council shall be guilty of an offence [c.V Part III 7(2)(b)]</p>
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### **Police & Criminal Evidence Act 1984**

	<p>30. anything may be seized for use as evidence at a trial but nothing may be retained if a photograph or copy would suffice [Part II (22)(1),(2)&amp;(4)]</p>
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### **Essex Act 1987**

<p>*NOTE: open to challenge on HRA Article 1 Protocol 1 and in association with Article 14</p>	<p>31. any person who hawks, sells or offers or exposes for sale any thing without consent of council shall be guilty of an offence [c.XX Part V 11(2)(c)]</p>
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### **London Local Authorities Act 1990 & 1994**

<p>*NOTE: The City of Westminster Act 1999 attempts to disable the pedlary exemption to restrict trading only as door-to-door selling by adding the words "only by means of trading visits from house to house" – the qualification lacks definition that was not resolved by Parliament until 2 further private bills in Bournemouth and Manchester established that the qualification means that pedlars also trade "other" than at</p>	<p>32. trading by a person acting as a pedlar is not 'street trading' for this Act [Schedule 19 Part III 21(2)(a)]</p> <p>33. selling articles or things to occupiers of premises adjoining any street [hawkers] are not 'street trading' for the purposes of this Act [ 21(2)(e)]</p>
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<p>houses – i.e. also in the street – see point 67. The COW Act wording also conflicts with the “Town Police Sections Act 1847 Section 28”</p>	
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## Case Law

### Sample-v-Hulme 1956

	<p>This case establishes that a pedlar's mode of travelling to a town, whether by horse, train or motor car is irrelevant.</p> <p>It is the mode of operating whilst trading as a pedestrian that is relevant.</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### Hirst-v-Yorkshire 1986

	<p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### Watson-v-Malloy 1988

	<p>34. the definition of a pedlar states “travels and trades” but this case introduced a dubious [Stevenage-v-Wright] aphorism “a pedlar is one who trades as he travels as distinct from one who merely travels to trade”</p> <p>35. the popular conception of a pedlar is someone who goes around selling things or services, who sells on the move; an itinerant seller</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### Manchester-v-Taylor 1989

	<p>36. reference to 15-20 minutes</p>
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### Pepper-v-Hart 1993

	<p>Pepper v Hart [1993] AC 593 is a landmark decision of the House of Lords on the use of legislative history in statutory interpretation.</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p> <p>And <a href="#">here</a> on <a href="http://www.parliament.uk">www.parliament.uk</a></p>
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### Normand-v-Alexander 1993

	37. the principle of English law applies in Scottish law
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### Prentice-v-Normand 1993

	38. as 37. above
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### Shepway-v-Vincent 1994

	<p>39. a pedlar is one who goes about carrying small goods for sale, a travelling chapman or vendor of small wares</p> <p>40. may use small means of assisting the transport of goods</p> <p>41. consider whether the whole apparatus is of such a scale as to be outside the definition of the term pedlar – the yardstick to measure is the scale and proportion of a licenced static trader</p> <p>42. the right test is whether or not the person did travel and trade on foot and go from town to town carrying to sell or exposing for sale any goods</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### Westminster-v-Elmasoglu 1996

	Contact <a href="mailto:admin@pedlars.info">admin@pedlars.info</a> for further information
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### Tunbridge Wells-v-Dunn 1996

	<p>43. may move up and down a busy shopping street [designated as a prohibited street] selling and offering to sell</p> <p>44. may stop and wait for periods up to 20 minutes for members of the public to approach</p> <p>45. does not have to remain in perpetual motion</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a> =Tunbridge Wells Appeal dismissed</p>
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### Stevenage-v-Wright 1996

	<p>46. the aphorism about 'travelling to trade' in Watson-v-Malloy does not assist the court in its appraisal of the seller's conduct, the only significance of the words is that to be a pedlar a person must travel as well as trade but he does not have to do them both simultaneously, nor be in motion whilst effecting sales</p> <p>47. a pedlar is travelling when not trading</p> <p>48. the length is important of those periods during which he is stationary and not selling but is prepared to do so</p> <p>49. the use of a stall or stand may indicate an intention to remain in one place or in a succession of different places for longer than is necessary to effect a particular sales or sales</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### Wrexham-v-Roberts 1996

	<p>50. the issue is whether the prosecution can prove, to the criminal standard of proof, that the pedlar was conducting his actions as a pedlar as defined in Statute</p> <p>51. a pedlar does not have to demonstrate that he was going somewhere in particular</p> <p>52. a pedlar may walk up and down a busy shopping street</p> <p>53. entitlement to stop to trade is not limited to a pause for the purpose of effecting an individual sale nor so narrowly prescribed that all other forms of pausing are automatically outside the conduct of a pedlar</p> <p>54. it is the nature of the activities of the trader that must be considered to determine if they fall within the definition of a pedlar</p> <p>55. a pedlar is to be and be seen to be a peripatetic trader</p> <p>56. he may stop in order to trade but there may be other reasons why he may pause, the purpose of those pauses is important</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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## Chichester-v-Wood 1997

<p>*NOTE: Instructing solicitors were London based Sharpe Pritchard who failed to Certify a Point of Public Importance directed by the Justices.</p> <p>Sharpe Pritchard have been Roll A Parliamentary Agents for all promoters of Private bills 1999- 2010.</p> <p>Following Chichester–v- Wood a lucrative opportunity in City of Westminster began the plethora of private interest business.</p>	<p>57. each case depends on its own facts</p> <p>58. the words of an Act of parliament are to be interpreted in the context of the Act in question at the time it was passed</p> <p>59. a point of *public importance is defining the distinction between ‘pedlar’ and ‘street trader’</p> <p>a. there are 2 lawful categories of street trading – ‘Certified’ and ‘Licenced’</p> <p>b. by definition ‘street trading’ includes ‘selling or offering or exposing for sale any article’ and applies to both Certified and Licenced ‘trading in the street’ commonly known as ‘street trading’</p> <p>c. a Licenced street trader is restricted to a heavily regulated fixed pitch reliant upon provision of local authority services</p> <p>d. a Certified street trader is unrestricted and exempt from local authority street trading regime and services – akin to any other pedestrian with an additional right i.e. to also trade as a pedlar</p> <p>e. 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</p> <p>f. a Licenced 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</p> <p>g. a Certified street trader is ambulant 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</p> <p>Read <a href="http://www.pedlars.info">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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## South Tyneside-v-Jackson 1997

	<p>Read <a href="http://www.pedlars.info">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### **Croydon-v-Burdon 2002**

	<p>60. a pedlar does not actually have to stop solely for a sale or particular sales; he may stop to expose his goods; he may stop for the purpose of procuring orders</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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### **Jones-v-BathNES Council 2012**

	<p>Lengthy and complex Appellant Case determining whether a person was or was not acting as a pedlar.</p> <p>Read <a href="#">here</a> on <a href="http://www.pedlars.info">www.pedlars.info</a></p>
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## Private Acts

### City of Westminster Act 1999

<p>*NOTE: Promoters rely on lack of definition of the words 'house to house' and prosecuting councils rely on literal interpretation as in 'door-to-door' but OBC Bournemouth &amp; Manchester found that the words carry a liberal interpretation as with the original text within the Pedlars Act</p> <p>ie that pedlars also go 'other than from house to house' eg the public highway, the street.</p>	<p>61. trading by a person acting as a pedlar is not street trading for the purposes of the Act when "trading only by means of visits from house to house" [Section 3 (e)]</p> <p>62. selling by a hawker to occupiers of premises adjoining any street is not street trading for the purposes of the Act [Section 3(b)]</p>
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### City of Newcastle upon Tyne 2000

<p>*NOTE: Promoters rely on lack of definition of the words 'house to house' and prosecuting councils rely on literal interpretation as in 'door-to-door' but OBC Bournemouth &amp; Manchester found that the words carry a liberal interpretation as with the original text within the Pedlars Act</p> <p>ie that pedlars also go 'other than from house to house' eg the public highway, the street.</p>	<p>63. trading by a person acting as a pedlar is not street trading for the purposes of the Act when "trading only by means of visits from house to house" [Part 2 Section 4]</p>
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## Medway City Council Act 2004

<p>*NOTE: Promoters rely on lack of definition of the words 'house to house' and prosecuting councils rely on literal interpretation as in 'door-to-door' but OBC Bournemouth &amp; Manchester found that the words carry a liberal interpretation as with the original text within the Pedlars Act</p> <p>ie that pedlars also go 'other than from house to house' eg the public highway, the street.</p>	<p>64. trading by a person acting as a pedlar is not street trading for the purposes of the Act when "trading only by means of visits from house to house" [Section 4]</p>
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## London Local Authorities Act 2004

<p>*NOTE: Promoters rely on lack of definition of the words 'house to house' and prosecuting councils rely on literal interpretation as in 'door-to-door' but OBC Bournemouth &amp; Manchester found that the words carry a liberal interpretation as with the original text within the Pedlars Act</p> <p>ie that pedlars also go 'other than from house to house' eg the public highway, the street.</p>	<p>65. trading by a person acting as a pedlar is not street trading for the purposes of the Act when "trading only by means of visits from house to house" [Schedule 4Section 21 (2)(a)]</p>
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## Leicester Liverpool & Maidstone Act 2006

<p>*NOTE: Promoters rely on lack of definition of the words 'house to house' and prosecuting councils rely on literal interpretation as in 'door-to-door' but OBC Bournemouth &amp; Manchester found that the words carry a liberal interpretation as with the original text within the Pedlars Act</p> <p>ie that pedlars also go 'other than from house to house' eg the public highway, the street.</p>	<p>66. trading by a person acting as a pedlar is not street trading for the purposes of the Act when "trading only by means of visits from house to house" [Section 4]</p>
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## Most Recent Private Bills Enacted

### Bournemouth Borough Council Act and Manchester City Council Act 2009

<p>NOTE: this finding* amongst others overturns the literal interpretation of pedlars being only door-to-door sellers and provides conditions when in the street.</p>	<p>67. trading by a person acting as a pedlar is not street trading for the purposes of the Act ‘if the trading is carried out only by means of visits from house to house’[Section 5]</p> <p>68. Section 5 needs amendment [Opposed Bill Committee 1 July 2009]</p> <p>a. the pedlar trading house to house survives</p> <p>b. *for those not trading house to house:-</p> <p>c. their goods or tools of handicraft must be carried on foot on the person or in a trolley pushed or pulled by the person with carrying capacity of no more than 1 cubic meter – subject to the next point</p> <p>d. they must not stop on one place for more than 5 minutes</p> <p>e. they must then move on at least 200 meters</p> <p>interrupted only by stops for a specific sale</p> <p>f. they cannot return to within 5 meters of any of their previous spots in a 12 hour period</p> <p>g. they cannot move to a position within 50 meters of another pedlar with the same authority</p> <p>h. they must display their certificate prominently</p> <p>i. the exception for pedlars is to be qualified to the effect that nothing in it shall be taken to extend the range of activities comprising acting as a pedlar”</p>
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### Reading Borough Council Act 2013 & Nottingham Borough Council Act 2013

<p>*NOTE: introduces inconsistency with national legislation for pedlary and other local legislation for licensed street trading</p>	<p>69. trading by a person acting as a pedlar is not street trading for the purposes of the Act ‘if the trading is carried out only by means of visits from house to house with goods carried, or, <b>not including trading in tickets</b> and, all articles carried, or, in a wheeled trolley of maximum width 0.75, depth 0.5m, height 1.25m; with maximum display width 0.88m, depth 0.83m, height 1.63m [Section 5]</p>
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## Leeds Borough Council Act 2013 & Canterbury City Council Act 2013

<p>*NOTE: exactly the same text as Reading &amp; Nottingham <b>except that trading in tickets is allowed in Leeds and Canterbury</b></p>	<p>70. trading by a person acting as a pedlar is not street trading for the purposes of the Act 'if the trading is carried out only by means of visits from house to house with goods carried, or, in a wheeled trolley of maximum width 0.75, depth 0.5m, height 1.25m; with maximum display width 0.88m, depth 0.83m, height 1.63m [Section 5]</p>
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**The government attempting to Repeal the Pedlars Act and redefine pedlary within the LG(MP)A as proposed in BIS consultation URN 12/605-606 will not increase UK people's freedom from regulation as argued but will increase the burden of offence to be prosecuted by Local Authorities because of paragraph 10 in the LG(MP)A with regard to Offences.**

<p>BIS proposal that Trading as a pedlar is exempt under the following conditions:</p>	<p>(a) trading on foot, by means of visits from house to house; or</p> <p>(b) trading on foot, solely or partly by means other than visits from house to house,</p> <p>and each article which the person is selling or exposing or offering for sale, and each article used by him while trading for the purposes connected with the trading, must be carried</p> <p>(a) on the trader's person, without any means of support; or</p> <p>(b) in or on a receptacle</p> <p>(i) which is pushed or pulled by the trader; and</p> <p>(ii) which, together with any articles in or on the receptacle, does not exceed 1m length x 1m width x 2 metres high</p>
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	<p>The trader must leave any location that he is occupying with a view to trading no later than 10 minutes after he arrives there; but the trader may nonetheless occupy the location for longer than 10 minutes if</p> <p>(a) the trader is occupying the location in consequence of one or more customers having approached him, and</p> <p>(b) he leaves the location as soon as he has no more customers to serve.</p>
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	<p>The trader must not occupy a location with a view to trading if, with a view to trading, he has at any point during the previous 3 hours occupied</p> <p>(a) that location; or</p> <p>(b) a location within 50 metres of that location but the trader may nonetheless occupy the location for longer than 10 minutes if</p> <p>(a) the trader is occupying the location in consequence of one or more customers having approached him, and</p> <p>(b) he leaves the location as soon as he has no more customers to serve. Distance is to be measured in a straight line except to the extent that</p> <p>(a) the ground is not level; or</p> <p>(b) passage along the line is obstructed by buildings, fixed structures or private property.</p>
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<p>Designation of streets</p>	<p>A council may by resolution designate a street as a licence or consent street and may provide that the designation is to take effect in relation to -</p> <p>(a) all persons; or</p> <p>(b) all persons except service providers from another EEA state</p>
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## Qualified pedlars contend there are many problems and failings with the BIS Proposed Policy [Consultation URN 12/605 & 606 Legislative Proposals]

<p>Qualified Pedlars contend that there are many problems and failures with this BIS proposed policy and Repeal of the Pedlars Act:</p>	<ol style="list-style-type: none"> <li>1. BIS has failed to consult the 48 million people aged over 17 to be effected by this mischievous policy;</li> <li>2. BIS is attempting to introduce a cultural policy to eliminate a UK cultural profession that is recognised throughout Europe;</li> <li>3. BIS has given no substantive legal basis for repeal - de-regulation with regulation by another route is unlawful;</li> <li>4. BIS uses the European Services Directive to repeal national statute &amp; ignores proposals to amend the national Pedlars Act;</li> <li>5. The proposals are said to be national but are limited only to the few local councils that have adopted the LG(MP)A;</li> <li>6. The proposals may have no effect on the many private Act jurisdictions or those preferring no street trading regulation;</li> <li>7. BIS argues that pedlars will be better off with minimum restriction &amp; cost - ignoring that they are already minimal;</li> <li>8. Under the Pedlars Act the pedlar has complete freedom &amp; discretion to choose when, where, what and how to trade;</li> <li>9. The Pedlars Act provides the public with a liberty that has nothing to do with councils or their licensed street trading;</li> <li>10. Most shopping streets are less than 150 metres long so after 30 minutes of this proposed regime a pedlar must stop work for 3 hours before he can trade again in the same town - pedlary will not be viable;</li> <li>11. Trading as a pedlar is not differentiated from selling as a pedlar. Trading involves displaying, talking, &amp; demonstrating and may not lead to selling anything. It is impossible for the pedlar or an officer to determine if a customer is approaching and neither will know when the 10 minute rule begins and ends;</li> <li>12. A pedlar will have to record a disproportionate amount of factual evidence of every step by time and distance to prevent allegation of an</li> </ol>
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	<p>offence and Court prosecution;</p> <p>13. It is an undeniable fact that local authorities with private Acts rely on criminal prosecution for "acting without a street trading licence" instead of correctly bringing a civil prosecution for "not acting as a pedlar";</p> <p>14. The meaning of "location" is subjective and therefore non-justiciable;</p> <p>15. If a "location" is never established then neither the 10 minute nor 50 metre rules may apply;</p> <p>16. Under council designation powers a pedlar may be automatically guilty of an offence if found trading in a designated street and liable to be listed by the Criminal Record Bureau;</p> <p>17. It is not possible to reach a common sense interpretation of a designation with effect on "all persons" nor why BIS intend UK nationals to have less rights than EEA nationals; <a href="#">see all persons except service providers from another EEA state</a></p> <p>18. A designation effecting "all persons" seems to include shoppers, police, council officers, bullies, vagrants &amp; street sweepers;</p> <p>19. The policy seems to require a person to obtain a local licence in each and every jurisdictions intended to trade;</p> <p>20. Licences can be withdrawn for failure to attend a pitch, for not trading on particular days, for trading in other goods and can be refused without evidential basis on grounds of insufficient space;</p> <p>21. No pedlar will be able to monitor or challenge randomly timed designation resolutions in some 420 council jurisdictions;</p> <p>22. The policy exposes pedlars and the public to pre 1871 fiefdoms ruled by enforcers, bullies, rogues &amp; vagabonds;</p> <p>23. The BIS definition of pedlary attempts to prescribe legislation in a series of random measurements void of legal transparency;</p> <p>24. Council officers have no powers of identification for prosecuting villains and vagrants who can give false names &amp; addresses;</p> <p>25. Costs of increased police attendance has not been considered in the Impact Assessment URN12/606;</p> <p>26. Police income from certification cut by £49,000 but increased by</p>
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	<p>the cost of attending councils need for identification;</p> <p>27. Pedlars contend that it is unjust to give enforcement powers to councils whose paid lobbyists campaign to get rid of pedlars;</p> <p>28. The policy will discriminate against persons unable to read or write, those with short-term memory; those unskilled in estimating distances or time-lapses &amp; those less able to keep contemporaneous notes of every movement;</p> <p>29. The famous London onion-man is a potential victim as his bicycle is longer than 1 metre;</p>
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## Stakeholder pedlar Legislative Proposals submitted to BIS prior to but ignored in formulation of Consultation URN 12/605 & 606

<p>Stakeholders and Qualified Pedlars contend that there are many benefits to be had by adopting the proposed <a href="#">Third Option</a> amendments available in full online at <a href="http://pedlars.info">pedlars.info</a> - search for Third Option:</p> <p>Click <a href="#">here</a> to read it on <a href="http://www.pedlars.info">www.pedlars.info</a> at the bottom of this page</p>	<ol style="list-style-type: none"> <li>1. The Pedlars Act is the national legislation that by simple amendment can resolve national Pedlary Law;</li> <li>2. The Pedlars Act is a national liberty similar to the vote, the right to use the highway or the right to national health;</li> <li>3. The Pedlars Act is outside the remit of local authorities whose role is to ensure public safety &amp; public health;</li> <li>4. The authority of a pedlar [bona fides - certificate] is issued by the Crown with oversight only by police;</li> <li>5. The authority of a Street Trader [licence] is issued by the local authority with enforcement by council;</li> <li>6. A pedlar is akin to any other pedestrian with <b>one</b> difference being the right to move about and trade in public;</li> <li>7. An investment of less than 10 pence a day provides the micro-business of pedlary access to private contracts in public;</li> <li>8. The profession of Pedlary is recognised under EU law - the Services Directive Recital 31 &amp; Article 4.11;</li> <li>9. Any restraint or repression of pedlary is against The Small Business Act for Europe that anchors the Think Small First principle in national policy-making enabling Member States to disregard the Services Directive for any policy contradictory towards micro-enterprises;</li> <li>10. Any attempt to repeal the civil right of pedlary and impose, through a different route, regulations with criminal sanctions on pedestrians trading in public infringes Article 1.5 of the Services Directive;</li> <li>11. Providing guidance within the Pedlars Act on interpretation issues within private Acts resolves unwarranted pedlar prosecution;</li> <li>12. Interpretation clarification can resolve anomalies between the Pedlars Act, the LG(MP)A, the LLAA &amp; all private Acts without unnecessary complication caused by attacking pedlary through circuitous street trading regulation;</li> </ol>
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	<p>13. Police income instead of being cut by £49,000 [BIS policy] increases to £170,000+ for certificate fee;</p> <p>14. Local Authority enforcement budgets cut by unnecessary wages for officers employed to bully pedlars;</p> <p>15. Parliamentary time will no longer be required for pedlars petitioning against unnecessary private business;</p> <p>16. Consumers will benefit from greater choice, fair competition &amp; continued diversity in the cultural &amp; economic life;</p> <p>17. The General public will continue to benefit from the dynamic assistance that pedlars have historically contributed to society;</p> <p>18. Children will benefit from their shopping experience from pedlar entertainment and low cost novelties;</p> <p>19. Shoppers will benefit in that High streets will no longer be monopolised only by greedy self interested corporate business;</p> <p>20. Entrepreneurs will have economic access to the public to test their products &amp; ideas for 10 pence a day;</p> <p>21. Reduction in cost of unemployment benefits if applicants are encouraged into self-employment as pedlars;</p> <p>22. The economic health of a nation is enhanced when government policy provides equal access to economic activity;</p> <p>23. The spiritual health of a nation increases when government policy provides freedom with responsibility;</p> <p>24. The political health of a nation is enhanced when equality permeates all policy;</p> <p>25. The foundations of good principle are a necessity in changing perception;</p> <p>26. Realising that the Pedlars Act is unique, original &amp; wonderful underlies the <a href="#">Third Option</a>;</p> <p>27. Pedlars Parliamentary Agents are willing and able to help BIS develop good policy and better legislation</p>
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	<p>28. The entire department of BIS including operatives, ministers, Secretary of State and the Permanent Secretary have adopted a “policy to ignore” pedlar stakeholder communications – full transparent disclosure is available online at <a href="http://pedlars.info">pedlars.info</a> – click <a href="#">here</a> to read HMG Consultation ‘Pedlars Consultation with Government’</p>
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**Authors’ Comment**

NOTE: It is an abhorrence to all pedlars that government presumes to meddle with Statute so casually – the definition of pedlary is the Pedlars Act in its entirety of which Section 3 gives indicative descriptions of those activities in 1871 but includes the possibility of the Act evolving in time to accommodate “or other person”