



City of Newcastle upon Tyne Act 2000

2000 CHAPTER viii

PART 4

REGISTRATION OF SECOND-HAND GOODS DEALERS

20 Dealers in second-hand goods

- (1) On and from the appointed day a person shall not in the city carry on the business of a dealer in second-hand goods without being registered by the council under this section or exempted from registration by subsection (9) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.
- (2) On application for registration under this section the council shall register the applicant and, if the application specifies premises, those premises and issue to the applicant a certificate of registration.
- (3)
 - (a) Every person registered under this section shall, as respects every transaction under which he acquires any articles in the course of his business, keep a record of the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.
 - (b) Any record kept in pursuance of paragraph (a) above shall be retained by him until the end of the period of one year beginning with the day on which the last transaction was or ought to have been recorded.
- (4) Registration under this section shall remain in force for 3 years from the date thereof.
- (5) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

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- (7) (a) An authorised officer on producing if so required a duly authenticated document showing his authority, or a constable, may at all reasonable times, and subject to paragraph (b) below—
- (i) enter and inspect any premises registered under this section and inspect any record kept in accordance with subsection (3) above and take a copy thereof and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in, or in connection with, the premises, a contravention of the provisions of this section; or
 - (ii) enter and inspect any premises not registered under this section which he has reasonable cause to believe are being used for, or in connection with, the business of a dealer in second-hand goods, for the purposes of ascertaining whether in connection with such premises there is a contravention of subsection (1) above.
- (b) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 (c. 49) shall apply in respect of entry to premises for the purpose of this subsection as they apply to entry to premises for the purposes of subsection (1) of that section.
- (c) Paragraph (a) above shall have effect in relation to any record which is kept by means of a computer and is accessible from the premises in question as if for the words “take a copy thereof” there were substituted the words “require it to be produced in a form in which it can be taken away and is both visible and legible”.
- (8) (a) If a person registered under this section acquires any second-hand goods from a person whom he knows to be under the age of 16, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (b) A person who, on selling second-hand goods to a person registered under this section, gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (9) This section shall not apply to—
- (a) a person engaged in a business carried on by a group, organisation or body registered as a charity under section 3 of the Charities Act 1993 (c. 10) or excepted from registration by virtue of subsection (5) of that section; or
 - (b) a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 (c. 69) in respect of his business as a scrap metal dealer; or
 - (c) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second-hand or used goods is merely incidental; or
 - (d) a person engaged in business as a dealer in wastepaper, cardboard, textiles, plastics in bulk or second-hand clothes in respect of his business as such; or
 - (e) a person whose sole or principal business is the sale or purchase of, or dealing in, motor vehicles as defined in sections 185(1) and 186(1) of the Road Traffic Act 1988 (c. 52); or
 - (f) a person by virtue only of his being engaged in the business of—

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- (i) financing the acquisition of goods by means of hire purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189(1) of the Consumer Credit Act 1974 (c. 39)); or
 - (ii) financing the use of goods by means of bailment agreements;
- and for the purposes of this section a person is not to be treated as carrying on the business of a dealer in second-hand goods merely because occasionally he enters into transactions belonging to a business of that sort.