



Medway Council Act 2001

2001 CHAPTER iv

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the Medway Council Act 2001.
- (2) Part 2 (Dealers in second-hand goods), Part 3 (Occasional sales and squat trading) and Part 4 (Miscellaneous and general) of this Act shall come into force on the appointed day.

2 Appointed day

- (1) In this Act “the appointed day” means such day as may be fixed by resolution of the council, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act.
- (3) The council shall cause to be published in at least two newspapers circulating in the borough and at least one national art and antiques trade periodical notice—
 - (a) of the passing of any such resolution and of a day fixed thereby; and
 - (b) of the general effect of the provisions of this Act coming into operation as from that day;and the day so fixed shall not be earlier than the expiration of six months from the publication of the said notice.
- (4) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the council to be a true reproduction of a page or part of a page of any such newspaper or of any such art and antiques trade periodical bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

3 Interpretation

(1) In this Act, except where the context otherwise requires—

“authorised officer” means an officer of the council authorised by the council in writing to act in relation to the relevant provision of this Act;

“the borough” means the borough of Medway;

“the council” means the Medway Council;

“the county” means the county of Kent and “the county council” means the Kent County Council;

“dealer in second-hand goods” means a person who carries on a trade or business, the whole or part of which consists of transactions in second-hand goods;

“occasional sale” means an event held in the borough at which goods are exposed for supply or offered to the public by one or more sellers or suppliers in the course of a trade or business, but does not include—

- (a) a market the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;
- (b) an event held wholly or mainly for the sale by auction of farm livestock or farm machinery, equipment or plant, or the contents of one or more buildings or other items associated with the building or buildings;
- (c) an auction conducted by a person registered under subsection (1) of section 5 (Registration of dealers in second-hand goods) of this Act on premises registered under that subsection;
- (d) an event held wholly or mainly for the sale of books;
- (e) an event promoted or conducted by a 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;
- (f) an event which consists of a concourse of, and only of, persons selling goods in the course of a trade or business and comprising not less than five stalls, stands, vehicles or pitches from which the goods are sold and which is held by a person who has held such an event in the same location—
 - (i) on the same day of the week; or
 - (ii) on the same day of the month; or
 - (iii) in the same weekend of the month; or
 - (iv) on the same day in every first, second, third or fourth week in every month;

in at least 7 out of the 10 weeks or, as the case may be, months preceding the date of the event in question; or

- (g) an event of a class which is by resolution of the council excluded from the operation of this section;

“record” includes a computer record and references in this Act to the production of a record means, in the case of a computer record, the production of a record in printed form;

“registered number” in respect of a vehicle means the number indicated by the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994 (c. 22)) assigned to the vehicle under that section by the Secretary of State;

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“registration number” means the number which appears on a certificate of registration issued under subsection (2) of section 5 (Registration of dealers in second-hand goods) of this Act;

“squat trading” means a trade or business consisting of the selling, offering for sale, display or exposing for sale of any article by any person on any premises if that person occupies the premises without the consent of the owner or lawful occupier of the premises.

- (2) For the purposes of this Act a person who holds an occasional sale includes any person who—
- (a) charges admission to the premises used for the sale; or
 - (b) receives or is entitled to receive, as a person promoting the sale or as the agent, licensee or assignee of such a person, payment in respect of goods sold to persons attending the sale or for the granting of rights to other persons to sell goods to persons attending the sale; or
 - (c) receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale.