



Medway Council Act 2001

2001 CHAPTER iv

PART 3

OCCASIONAL SALES AND SQUAT TRADING

11 Notice of occasional sales and squat trading

- (1) Any person who intends—
- (a) to hold an occasional sale in the borough; or
 - (b) to permit an occasional sale to be held on premises in the borough of which he is the occupier; or
 - (c) to carry out squat trading;
- shall, not less than 21 days before the holding of the intended sale or the commencement of the trading, give to the council notice of his intention to hold the sale or to permit those premises to be so used or to carry out the trading, as the case may be.
- (2) A notice given under subsection (1) above shall be in writing and shall specify—
- (a) the proposed date and time of commencement, expected duration and location of the intended occasional sale or squat trading;
 - (b) whether the occasional sale or squat trading is to be held on other days and if so, what days, and the time of commencement and expected duration on those days;
 - (c) the extent of the premises to be occupied or used for the purposes of the occasional sale or squat trading;
 - (d) the nature of the goods to be provided at the occasional sale or during the squat trading;
 - (e) the name and address (other than an address temporarily occupied for the purposes of the occasional sale) of every person who it is proposed will hold or promote the occasional sale or carry out the squat trading, and the name and address of a person appointed to receive and answer complaints about the sale or trading; and

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- (f) in the case of an occasional sale, an estimate of the number of persons expected to attend the sale.
- (3) If the council has reason to believe that an occasional sale is to be held or that squat trading is to be commenced in the borough but that no notice thereof has been given under subsection (1) above by the relevant person, they may as soon as reasonably practicable after the apparent intention to hold the sale or carry out the trading has come to their knowledge, serve on—
- (a) the person who appears to be the relevant person; or
 - (b) the occupier of any premises on or in which it appears that such sale is to be, is being or was held;
- a notice requiring that person to give to the council the information required by subsection (2) above.
- (4) Any person on whom a notice given under subsection (3) above is served shall supply to the council the information required by subsection (2) above within 7 days after the service of the notice, whether or not the occasional sale or squat trading commences before the expiry of that period.
- (5) If the council has reason to believe that an occasional sale has been or is being held or that squat trading has been commenced in the borough but that no notice thereof has been given under subsection (1) above by the relevant person, they may as soon as reasonably practicable after the holding of the sale or the carrying out of the trading has come to their knowledge, serve on—
- (a) the person who appears to be the relevant person; or
 - (b) the occupier of any premises on or in which it appears that such sale is being or was held;
- a notice requiring that person to give to the council the information mentioned in subsection (6) below.
- (6) The information required by subsection (5) above is—
- (a) the date and time of commencement and location of the occasional sale or squat trading;
 - (b) the duration or (in the case where an occasional sale is being held or the squat trading is being carried out) expected duration of the occasional sale or squat trading;
 - (c) whether the occasional sale or squat trading is to be held on other days and if so, what days, and the time of commencement and expected duration on those days;
 - (d) the extent of the premises occupied or used for the purposes of the occasional sale or squat trading;
 - (e) the nature of the goods provided at the occasional sale or during the squat trading;
 - (f) the name and address (other than an address temporarily occupied for the purposes of the occasional sale) of every person who is holding or held or is promoting or promoted the occasional sale or is carrying out or carried out the squat trading, and the name and address of a person (if any) appointed to receive and answer complaints about the sale or trading; and
 - (g) in the case of an occasional sale, an estimate of the number of persons attending, or who attended the sale.

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- (7) The information required by subsection (5) above shall be supplied by the person on whom the notice is served within 7 days after the service of the notice, except in the case where the sale is being held or the trading is being carried out in which case the information should be supplied forthwith.
- (8) The “relevant person” for the purposes of subsections (3), (4) and (5) above is—
- (a) in the case of an occasional sale, the person who is intending to hold, is holding or held the occasional sale;
 - (b) in the case of squat trading, the person who is intending to carry out, is carrying out or carried out the trading.

12 Information to be kept by holder of certain occasional sales

- (1) In the case where an occasional sale (other than an auction) is an event at which there is more than one seller or supplier of goods (being persons other than the person who holds the sale), the person who holds the sale shall ensure that the following information is entered, in a record kept by him for the purpose of this section—
- (a) the name and address of every such seller and supplier;
 - (b) an entry describing whether the goods being exposed for supply or offered to the public by every such seller or supplier are new or second-hand goods or both; and
 - (c) either of the following:—
 - (i) the registered number in respect of any vehicle in or on which those goods were carried to the sale; or
 - (ii) if the seller or supplier is registered under section 5 (Registration of dealers in second-hand goods) of this Act or any other enactment of local application providing for the registration of dealers in second-hand goods, the number (if any) appearing on his certificate of registration.
- (2) Every entry made in every record kept by a person in pursuance of this section shall be retained by him until the end of the period of two years beginning with the day on which the entry was made in the record.
- (3) A person who keeps a record in pursuance of this section shall on demand, unless he has a reasonable excuse not to do so, produce the record to an authorised officer or to a constable.
- (4) In this section “seller” and “supplier” mean respectively a seller or supplier with whom the person who holds the sale has made arrangements (whether or not on payment of a charge or fee) for the right to sell or supply goods at the sale, whether or not from a stall or pitch.

13 Display of name and address

- (1) Any person who holds, promotes or conducts an occasional sale or carries out squat trading shall in a prominent position on a part of the premises in which the sale or trading takes place and for the duration of the sale or trading display his full name and his business address or business telephone number and the full name and the business address or business telephone number of any other person concerned in the holding, or promotion of the occasional sale or, as the case may be, the carrying out of the trading.

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- (2) Any person who holds or promotes an occasional sale or promotes or carries out squat trading shall display on all notices, leaflets and posters given, distributed or exhibited by him or on his behalf in connection with the sale or the trading, his full name and his business address or business telephone number.

14 Offences under Part 3

- (1) Any person who contravenes any provision of this Part of this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (2) If a person who holds an occasional sale enters any information in a record kept by him pursuant to section 12 (Information to be kept by holder of certain occasional sales) which he knows is false in a material particular, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (3) If, in response to a request made by the holder of an occasional sale for the purpose of ascertaining the information required to be kept by him pursuant to the said section 12, a seller or supplier of goods or services intentionally gives that person a false name or false address or a false registered number or false information relating to any certificate of registration, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.