



Trading Representations (Disabled Persons) Act (Northern Ireland) 1958

1958 CHAPTER 24

An Act to control the making of representations by traders with respect to the employment or assistance of blind or other disabled persons in connection with the production, preparation, packing or sale of goods, and for purposes connected therewith. [9th December 1958]

1 Sellers of goods advertised as made by, or sold for benefit of, blind or otherwise disabled persons to be registered.

(1) It shall not be lawful, in selling or soliciting orders for goods of any description in the course of a business carried on by any person, for any representation that, or implying that, blind or otherwise disabled persons, or any description of such persons—

- (a) are employed in the production, preparation or packing of the goods; or
- (b) benefit (otherwise than as users of the goods) from the sale of the goods or the carrying on of the business;

to be made in the course of visits from house to house, or by post, unless the person carrying on the business is registered under this Act in respect of goods of that description; and any person who contravenes this sub-section shall be liable on summary conviction to a fine not exceeding^[F1] level 3 on the standard scale^[F1] or to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(2) Sub-section (1) shall not apply where the business is being carried on—

- (a) by a local authority; or
- (b) by any fund, institution, association or undertaking which is registered or exempted from registration under the House to House Charitable Collections Act (Northern Ireland), 1952 ; or
- (c) by a company, association or body providing facilities under section fifteen of the Disabled Persons (Employment) Act (Northern Ireland), 1945 , in pursuance of arrangements under sub-section (2) of that section; or

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(d) by any body of persons exempted by the Ministry of Labour and National Insurance^{F2} (hereinafter referred to as “the Ministry”) from the operation of sub-section (1) of this section, being a body appearing to the Ministry to be carrying on business without profit to its members;

or where the person carrying on the business is substantially disabled and all goods with respect to which the representation is made were produced, prepared, packed or otherwise made ready for sale by his own labour.

(3) In this section “house” includes a place of business, and “local authority”^{F3} means the council of a county borough or other borough or urban or rural district.

Subs. (4) rep. by SLR 1973

F1	1984 NI 3
F2	SRO (NI) 1964/205; 1973/504
F3	1972 c.9 (NI)

2 Registration for purposes of Act.

(1) Registration under this Act shall be effected by the Ministry on applications made to it and in accordance with the following provisions of this section.

(2) The Ministry shall not register a person under this Act unless the Ministry is satisfied, in relation to goods of the description as respects which registration is applied for—

(a) that the extent and nature of the employment for substantially disabled persons, or any description of such persons, to be provided by the applicant for registration in connection with the production, preparation, packing or sale of the goods, or as the case may be the benefit to such persons, or any description of such persons, to be provided by the sale of the goods or the carrying on of the business, is such that such representations as are mentioned in sub-section (1) of section one can reasonably and properly be made in relation to the goods; and

(b) that the relevant representations which it is proposed to make will fairly convey the extent and nature of the said employment or benefit;

and the Ministry shall not proceed with an application for registration under this Act until the expiration of twenty-one days from the publication, in a newspaper the area of circulation of which is such as to be adequate to inform persons likely to be concerned, of an advertisement by the applicant stating that the applicant proposes to apply for registration, specifying the description of goods in respect of which registration is applied for, and stating that representations with respect to the application may within fourteen days from the publication of the advertisement be made to the Minister of Labour and National Insurance^{F4} (in this Act referred to as “the Minister”).

(3) Registration under this Act may be granted either for a specified period or indefinitely.

(4) The Minister may impose requirements on persons registered under this Act for securing the matters specified in paragraph (a) or paragraph (b) of sub-section (2).

(5) If at any time while a person is registered under this Act in respect of goods of any description the Minister is not satisfied of the matters specified in paragraph (a) of sub-section (2), or is satisfied that relevant representations are made which do not fairly represent the extent and nature of the employment or benefit provided as aforesaid, the Minister shall cancel the registration; and if any requirement imposed under sub-

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section (4) on a person registered under this Act is not complied with, the Minister may cancel the registration.

(6) On an application for registration under this Act the applicant shall furnish such information as the Ministry may require with respect to—

- (a) the number of persons to be employed by the applicant in connection with the production, preparation, packing and sale of goods of the description to which the application relates, the capacities in which or the operations in which they are to be so employed, and the proportion of the whole, or of those to be employed in particular capacities or operations, which consists of persons who are substantially disabled or of any description of such persons;
- (b) the terms of employment, and in particular the remuneration, of persons to be employed as aforesaid who are substantially disabled or of any description of such persons;
- (c) the source from which the applicant will obtain the goods of the description in question to be offered for sale by the applicant, where they are not to be produced by the applicant, and the persons by whom such goods will be prepared or packed where the goods are not to be prepared, or as the case may be packed, by the applicant;
- (d) the nature of the representations with respect to employment of, or benefit to, substantially disabled persons which it is proposed to make in connection with the sale of the goods, and, where it is proposed to make the representations in relation to a particular description of such persons, the nature of that description of persons;

and with respect to any other matters relevant to determining whether the applicant should be registered.

(7) At any time while a person is registered under this Act the Ministry may require him to furnish such information as may be relevant to the exercise by the Minister of his powers of cancelling registration; and if any person required to furnish such information fails to do so without reasonable excuse the Minister may cancel his registration.

(8) On the registration of any person under this Act the Ministry shall send to him a certificate of registration, and if the registration is for a period the certificate shall specify the date of expiration of that period; and where the registration of a person is refused, or any requirement is imposed on a person under sub-section (4) (whether on registration or subsequently) or the registration of any person is cancelled, the Ministry shall send notice in writing of the refusal, requirement or cancellation to the applicant for registration or, as the case may be, the person to whom the registration relates.

Any certificate or notice under this sub-section may be sent by post to the usual or last known address of the person to whom it is to be sent.

(9) A certificate purporting to be signed by or on behalf of the Minister that any person was or was not on any date specified in the certificate, or during any period so specified, registered under this Act in respect of goods of a description so specified shall be evidence until the contrary is proved of the facts certified.

(10) In this section “relevant representation” means a representation such as is mentioned in sub-section (1) of section one, being a representation made or to be made in selling or soliciting orders for the goods in question and in the course of visits from house to house or by post.

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F4 SRO (NI) 1964/205; 1973/504

3 Appeals against refusal to register, requirements, and cancellations.

- (1) An appeal shall lie to the county court at the instance of a person (in this section referred to as an “appellant”) aggrieved by—
 - (a) the refusal of registration;
 - (b) any requirement imposed under sub-section (4) of section two, or by his being registered for a period, or the shortness of the period for which he is registered;
 - (c) the cancellation of his registration;and such court on an appeal—
 - (i) under paragraph (a), shall, if satisfied of the matters specified in paragraphs (a) and (b) of sub-section (2) of section two, direct the Ministry to register the appellant;
 - (ii) under paragraph (b), may vary or cancel the requirements, or, as the case may require, give directions to the Ministry as to the duration of the registration;
 - (iii) under paragraph (c), shall, if satisfied that grounds did not exist for the cancellation, or where the cancellation was in respect of a breach of a requirement, or failure to furnish information, that the registration ought not to have been cancelled, annul the cancellation.
- (2) The time within which an appeal under sub-section (1) may be brought shall be twenty-one days from the sending, in pursuance of sub-section (8) of section two, of the relevant notice or certificate to the appellant.
- (3) The cancellation of a registration under this Act shall not have effect until the time for appealing has expired or, if an appeal is brought, until either the appeal is abandoned or all proceedings thereon or in consequence thereof are determined.

4 Interpretation of references to disablement.

- (1) The references in sub-section (1) of section one to blind or otherwise disabled persons are references to persons under any disability, whether physical or mental, attributable to illness, injury, imperfect development or congenital deformity.
- (2) The references in this Act to substantially disabled persons are references to persons substantially handicapped, whether permanently or not, by any such disability as aforesaid.

5 Short title.

This Act may be cited as the Trading Representations (Disabled Persons) Act (Northern Ireland), 1958.

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