



Bournemouth Borough Council Act 2010

2010 CHAPTER ii

Application of 1982 Act

4 Provision of services

- (1) In their application to the borough, the provisions of Schedule 4 to the 1982 Act shall apply with the following modifications.
- (2) In paragraph 1(1), for the definition of “street trading”, there is substituted—
 - ““street trading” means, subject to sub-paragraph (2) below—
 - (a) the selling or exposing or offering for sale of any article (including a living thing) in a street; or
 - (b) the supplying of or offering to supply any service in a street for gain or reward; and”.
- (3) In paragraph 3(2)(c) after “articles” in both places where it appears there is inserted “or services”.
- (4) In paragraph 3(6)(b) after “goods” there is inserted “or services”.
- (5) In paragraph 4(1)(b) after “articles” there is inserted “or services”.

5 Pedlars

- (1) Subject to subsection (2), in their application to the borough, the provisions of Schedule 4 to the 1982 Act shall apply as if—
 - (a) in paragraph 1(2)(a) of that schedule there were inserted, after the reference to the Pedlars Act 1871 (c. 96), the words “, if the trading is carried out only—
 - (i) by means of visits from house to house,
 - (ii) with any goods or handcraft equipment carried on his person as a pedestrian, or
 - (iii) with any goods or handcraft equipment carried in a wheeled vehicle (with a carrying capacity no greater than one cubic metre) pushed or pulled by him,

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- and (in so far as sub-paragraph (ii) or (iii) of this paragraph applies), he complies with the essential requirements referred to in sub-paragraph (2A) below, as read with sub-paragraphs (2B) and (2C) below”, and
- (b) after paragraph 1(2) of that schedule there were inserted the following sub-paragraphs:

“(2A) Subject to sub-paragraph (2B) a person complies with the essential requirements as follows—

- (a) he must leave any location that he is occupying with a view to trading no later than five minutes after arrival there, unless he begins trading on arrival there, in which case he must leave no later than—
 - (i) at the end of the five minute period, or
 - (ii) as soon as he is able after trading ceases,
 whichever comes later;
- (b) each location he occupies with a view to trading must be at a minimum distance of 200 metres from his previous one;
- (c) each location he occupies in any 12 hour period with a view to trading must be at a minimum distance of 5 metres away from any other one that he has so occupied at any time in that period;
- (d) he must not begin so to occupy a location any part of which is nearer than a minimum distance of 50 metres from any part of a location for the time being so occupied by another person;
- (e) at all times while—
 - (i) trading,
 - (ii) otherwise occupying any location with a view to trading, or
 - (iii) moving between locations occupied or to be occupied with a view to trading,

he must display prominently his certificate granted under the Pedlars Act 1871.

(2B) Nothing in sub-paragraph (2A)(b) to (d) above disqualifies any person from occupying a location within a minimum distance for the purpose of trading if—

- (a) he so occupies it on the request of a bona fide customer,
- (b) he begins trading on arrival there, and
- (c) he leaves as soon as he is able after trading ceases.

(2C) For the purposes of sub-paragraphs (2A) and (2B) above—

- (a) a person is trading from such time as, while falling within sub-paragraph (2)(a)(ii) or (iii), he commences the transaction—
 - (i) of selling goods to a bona fide customer, or
 - (ii) of supplying a service for payment by a bona fide customer

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up to the moment when the transaction is completed or aborted but, if another bona fide customer is waiting to trade with him at that moment, time shall not be treated as elapsing in any gap between that moment and the commencement of the transaction with the other customer; and

- (b) measurement of minimum distance operates in a straight line except to the extent that—
 - (i) the ground is not level, or
 - (ii) passage along the line is obstructed by buildings, fixed structures or private property”.

(2) Nothing in subsection (1) shall be taken to extend the range of activities that comprise acting as a pedlar.