



North Yorkshire County Council Act 1991

1991 CHAPTER xiv

PART III

OCCASIONAL SALES AND DEALERS IN SECOND-HAND GOODS

6 Control of occasional sales

- (1) In this section “occasional sale” means an event at which goods or services 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 held by virtue of a grant from the Crown or of prescription or under statutory authority;
 - (b) an event held wholly or mainly for the sale by auction of farm livestock or deadstock or the contents of a building; or
 - (c) an event promoted or conducted by a body registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section.
- (2) For the purposes of this section a person who holds an occasional sale includes any person who—
 - (a) charges admission to the premises used for the sale; or
 - (b) is entitled, as a person promoting the sale or as the agent, licensee or assignee of such a person, to payment in respect of goods sold or services rendered to persons attending the sale or for the granting of rights to other persons to sell goods or services to persons attending the sale.
- (3) As from the appointed day any person who intends—
 - (a) to hold an occasional sale in the county; or
 - (b) to permit an occasional sale to be held on premises in the county of which he is the occupier; or
 - (c) being the occupier of premises in the county adjacent to the proposed site of an occasional sale, to permit those premises to be used for the purposes of that sale;

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shall give to the council not less than 21 days before the holding of the intended sale notice of his intention to hold it or, as the case may be, to permit those premises to be so used.

- (4) A notice given under subsection (3) above shall be in writing and shall specify—
- (a) the proposed date and time of commencement, expected duration and location of the intended sale;
 - (b) whether the sale 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 sale;
 - (d) the nature of the goods or services to be provided at the sale;
 - (e) the name and business address (other than an address temporarily occupied for the purposes of the sale) of every person who it is proposed will promote the sale, and the name and address of a person appointed to receive and answer complaints about the sale; and
 - (f) an estimate of the number of persons expected to attend the sale.
- (5) If the council has reason to believe that an occasional sale is to be held in the county but that no notice thereof has been given under subsection (3) above by the person intending to hold the sale or by the occupier, as the case may be, it may as soon as reasonably practicable after the apparent intention to hold the sale has come to its knowledge serve on the person apparently intending to hold it and on the occupier of any premises on or in which it appears that the sale is to be held a notice requiring that person to give to the council the information required by subsection (4) above, which information shall be supplied by the person on whom the notice is served within seven days after the service of the notice.
- (6) Any person who promotes, conducts or assists in the conduct of an occasional sale shall display his full name and business address and the full name and business address of any other person concerned in the promotion of the sale in a prominent position on a part of the land open to the public or in a part of the premises so open.
- (7) Any person who promotes an occasional sale shall display on all notices, leaflets and posters given, distributed or exhibited by him or on his behalf in connection with the sale, the full name and business address of—
- (a) himself; and
 - (b) every other person concerned in the promotion of the sale.
- (8) Any person who contravenes any provision of this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

7 **Dealers in second-hand goods**

- (1) Subject to subsections (12) and (13) below, as from the appointed day, a person shall not in the county carry on the business of a dealer in second-hand goods when he is not registered by the council under this section or exempted from registration by subsection (11) 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.

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- (3) Every person registered under this section shall, as respects every transaction under which he acquires an interest in, or takes charge of, any second-hand articles in the course of his business, enter, in a book kept by him for the purpose of this section—
 - (a) the date of the transaction;
 - (b) a description of the articles; and
 - (c) the name and address of the person from whom the articles were acquired.
- (4) Where a person registered under this section sells in the course of his business any second-hand article (or set of such articles) for a price exceeding £100, he shall enter in the book referred to in subsection (3) above the name and address of the person to whom the article (or set) was sold.
- (5) Any book 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 last entry was made in the book.
- (6) Registration under this section shall remain in force for three years from the date thereof.
- (7) If any person contravenes subsection (1), (3), (4) or (5) above, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) 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 a part of the premises open to the public, 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.
- (9) If a person registered under this section acquires any second-hand goods from a person under the age of 16, and the price paid for those goods, or their value, exceeds £10, then whether those goods are offered by that person on his own behalf or on behalf of another person, the person so registered shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (10) Any person who, on selling second-hand goods to, or acquiring second-hand goods from, a person registered under this section, intentionally 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 3 on the standard scale.
- (11) This section shall not apply to—
 - (a) any person engaged in a business carried on by a group, organisation or body registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or
 - (b) a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964, in respect of his business as a scrap metal dealer; or
 - (c) a person engaged in the business either of 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) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or
 - (d) 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

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(e) a person engaged in business as a dealer in waste paper, cardboard, textiles, plastics in bulk or second-hand clothes, in respect of his business as such; or

(f) a pawnbroker, in respect of his business as such;

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 appropriate to a business of that sort.

(12) Where a person—

(a) is carrying on the business of a dealer in second-hand goods immediately before the date on which this section comes into force; and

(b) has before that date applied for the registration of himself or, where he is carrying on that business in premises occupied by him, for the registration both of himself and of those premises;

it shall be lawful for him to carry on that business, and, where he is carrying on that business in premises specified in his application, to carry it on in those premises, pending the issue of his certificate of registration.

(13) It shall be lawful for a person who—

(a) has obtained or renewed such registrations as are required under this section; and

(b) during the currency thereof has applied for the renewal thereof;

to continue to carry on the business of a dealer in second-hand goods and to continue to use for that purpose any premises specified in his last certificate of registration, until he is issued with a new certificate.