



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.