



# Medway Council Act 2001

## 2001 CHAPTER iv

### PART 2

#### DEALERS IN SECOND-HAND GOODS

#### **6 Information to be kept by registered dealers in second-hand goods**

- (1) Subject to subsections (2) and (8) below, every person registered under section 5 (Registration of dealers in second-hand goods) of this Act shall, as respects every transaction under which he acquires an interest in, or takes charge of, any second-hand articles in the course of the business in respect of which he is registered whether or not the transaction took place in the borough, enter or cause to be entered forthwith, in a record kept by him—
- (a) the date of the transaction;
  - (b) a description sufficient where reasonably possible to identify the articles;
  - (c) either—
    - (i) the name and address of the person from whom the articles were acquired;
    - (ii) the person's registration number if he is registered under the said section 5 or is registered by the county council under any enactment as a second-hand dealer in respect of his business as such; or
    - (iii) some other entry, of a type approved by resolution of the council, with the approval of the Secretary of State, by means of which that person may be identified;
  - (d) in the case where the article concerned is a motor vehicle, the registered number (if any) of the vehicle and the reading on the odometer of the vehicle at the time of the transaction; and
  - (e) in the case where the article concerned is—
    - (i) plant; or
    - (ii) a motor vehicle which does not have a registered number; or
    - (iii) a vehicle other than a motor vehicle;

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any serial number or vehicle identification number, as the case may be, marked on the plant or vehicle.

- (2) Subject to subsection (3) below, subsection (1) above shall not apply in respect of any transaction in respect of which a person acquires an interest in, or takes charge of any second-hand article (or set of such articles) which will, in his reasonable opinion at the time of the transaction—
- (a) be disposed of by him for no value; or
  - (b) be sold or offered for sale by him for a price (which in the case of a set of articles means the total price of the articles, whether sold individually or as a set) less than the relevant amount.
- (3) Subsection (2) above shall not apply in relation to any electrically or battery powered goods or to any medium on or by which sound, images or other data are or may be stored or recorded and which is intended for use with any such goods.
- (4) For the purposes of subsection (2) above “the relevant amount” is—
- (a) £10 in the case of vehicle parts, jewellery, watches, photographic equipment, sports equipment, equestrian equipment, boating equipment, musical instruments, tools, bicycles, optical equipment, firearms and gardening equipment; and
  - (b) £50 in the case of all other articles to which that subsection applies;
- or in either case, such other amount (being no lower than the existing amount) as the council may, with the approval of the Secretary of State, determine.
- (5) Subject to subsection (8) below, where a person registered under the said section 5 sells in the course of his business any second-hand article (or set of such articles) for a price exceeding the relevant amount he shall enter in the record referred to in subsection (1) above—
- (a) the name and address of the person to whom the article (or set) was sold;
  - (b) the person’s registration number if he is registered under the said section 5 or is registered by the county council under any enactment as a second-hand dealer in respect of his business as such; or
  - (c) some other entry, of a type approved by resolution of the council, with the approval of the Secretary of State, by means of which that person may be identified.
- (6) For the purposes of subsection (5) above “the relevant amount” is—
- (a) £100 in the case of electrically or battery powered goods, vehicles and vehicle parts, plant, jewellery, watches, photographic equipment, sports equipment, equestrian equipment, building materials, boats and boating equipment, musical instruments and gardening equipment; and
  - (b) £500 in the case of all other articles;
- or in either case, such other amount (being no lower than the existing amount) as the council may, with the approval of the Secretary of State, determine.
- (7) In the case of transactions under which a dealer in second-hand goods acquires an interest in, or takes charge of or sells articles at an auction the entry of the name and address of the auctioneer in the record referred to in subsection (1) shall suffice for the purposes of subsection (1)(c)(i) or, as the case may be, subsection (5)(a) above.
- (8) Subsections (1) and (5) above shall apply to transactions which take place outside the borough only if—

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- (a) the person acquiring an interest in, taking charge of or selling the articles in question occupies premises registered under the said section 5; or
  - (b) the usual place of residence of the person acquiring an interest in, taking charge of or selling the articles in question is within the borough (except if that person carries on his business as a dealer in second-hand goods primarily in premises occupied by him and situated outside the borough).
- (9) 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.
- (10) A person registered under the said section 5 shall, on demand, unless he has a reasonable excuse not to do so, produce to an authorised officer or to a constable any record kept by him in pursuance of this section.