



# Trading Representations (Disabled Persons) Amendment Act 1972

## 1972 CHAPTER 45

An Act to amend the Trading Representations (Disabled Persons) Act 1958. [27th July 1972]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Amendment of section 1 of Trading Representations (Disabled Persons) Act 1958.**

(1) Subsection (1) of section 1 of the Trading Representations (Disabled Persons) Act 1958 (hereinafter referred to as "the principal Act") (which places restrictions on selling goods advertised as made by or sold for the benefit of blind or otherwise disabled persons) shall be read and have effect as if—

- (a) after the words "in selling" there were inserted the words "any goods or exchanging any article or thing for any other article or thing";
- (b) in paragraph (a) after the word "goods" there were inserted the words "article or thing";
- (c) in paragraph (b) after the word "goods" where first appearing there were inserted the words "article or thing" and after the word "goods" where secondly appearing there were inserted the words "or the exchange of the article or thing";
- (d) after the words "or by post" there were inserted the words "or by telephone";
- (e) the words "unless the person carrying on the business is registered under this Act in respect of goods of that description" were omitted; and
- (f) in place of the words "on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment" there were inserted the following—

- “(i) on summary conviction, to a fine not exceeding £400; and
- (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both”.

- (2) Subsection (2) of the said section 1 shall be read and have effect as if—
  - (a) after the word " goods " there were inserted the words " articles or things "; and
  - (b) in place of the words " either produced, prepared, packed or otherwise made ready for sale by his own labour " there were substituted the words " produced by his own labour ".
- (3) Subsection (5) of the said section 1 shall be read and have effect as if—
  - (a) after the word " means " there were inserted the words " the Greater London Council "; and
  - (b) in place of the words " metropolitan borough " there were inserted the words " London borough ".
- (4) Subsection (6) of the said section 1 is hereby repealed.
- (5) Section 1 of the principal Act as amended shall have effect as set out in the Schedule to this Act.

## **2 Repeals.**

Sections 2 and 3 of the principal Act (which relate to registration under that Act) are hereby repealed.

## **3 Short title and commencement.**

- (1) This Act may be cited as the Trading Representations (Disabled Persons) Amendment Act 1972.
- (2) This Act shall come into operation on 1st January, 1973.

## SCHEDULE

Section 1.

### SECTION 1 OF THE PRINCIPAL ACT AS AMENDED

#### **“1 Sale of goods advertised as made by, or sold for, benefit of blind or otherwise disabled persons.**

- (1) It shall not be lawful, in selling any goods or exchanging any article or thing for any other article or thing 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, article or thing or,
  - (b) benefit (otherwise than as users of the goods, article or thing) from the sale of the goods or the exchange of the article or thing or the carrying on of the business,
- to be made in the course of visits from house to house, or by post or by telephone; and any person who contravenes this subsection shall be liable—
- (i) on summary conviction, to a fine not exceeding £400; and
  - (ii) on conviction on indictment, to a fine or imprisonment for a term not exceeding two years or both.
- (2) The foregoing subsection 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 War Charities Act 1940 or that Act as extended by section forty-one of the National Assistance Act 1948, or
  - (c) by a company, association or body providing facilities under section fifteen of the Disabled Persons (Employment) Act 1944 in pursuance of arrangements under subsection (2) of that section, or
  - (d) by any body of persons exempted by the Secretary of State for Employment (hereinafter referred to as " the Secretary of State") from the operation of the foregoing subsection, being a body appearing to the Secretary of State to be carrying on business without profit to its members,
- or where the person carrying on the business is substantially disabled and all goods, articles or things with respect to which the representation is made were produced by his own labour.
- (3) In England or Wales a local authority may institute proceedings for an offence under this section.
- (4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) In this section " house " includes a place of business, and " local authority " means the Greater London Council, the council of a county, county borough or county district or a London borough or the Common Council of the City of London, or, in Scotland, a county or town council.”