



# Pedlars Act 1871

1871 CHAPTER 96 34 and 35 Vict

## *Preliminary*

**1 Short title.**

This Act may be cited as “The Pedlars Act 1871.”

**2** ..... <sup>F1</sup>

**Textual Amendments**

**F1** S. 2 repealed by [Statute Law Revision \(No. 2\) Act 1893 \(c. 54\)](#)

**3 Interpretation of certain terms in this Act. “Pedlar.” “Court of summary jurisdiction.”**

In this Act, if not inconsistent with the context, the following terms have the meanings hereinafter respectively assigned to them; that is to say,—

The term “pedlar” means any hawker, pedlar, petty chapman, tinker, caster of metals, mender of chairs, or other person who, without any horse or other beast bearing or drawing burden, travels and trades on foot and goes from town to town or to other men’s houses, carrying to sell or exposing for sale any goods, wares, or merchandise, or procuring orders for goods, wares, or merchandise immediately to be delivered, or selling or offering for sale his skill in handicraft;

<sup>F2</sup>  
...

The term “Court of Summary Jurisdiction” means and includes any justice or justices of the peace, [<sup>F3</sup>sheriff principal or sheriff], metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred to, or to proceedings before whom the provisions of the Summary Jurisdiction Acts are or may be made applicable.

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#### Textual Amendments

- F2** Definitions repealed by Statute Law Revision (No. 2) Act 1893 (c. 54), Police Act 1964 (c. 48), **Sch. 10 Pt. I** and Police (Scotland) Act 1967 (c. 77), Sch. 5 Pts. I, **II**
- F3** Words substituted by virtue of Sheriff Courts (Scotland) Act 1971 (c. 58), **s. 4(2)**

### *Certificates to be obtained by Pedlars*

#### **4 No one to act as a pedlar without certificate.**

No person shall act as a pedlar without such certificate as in this Act mentioned, or in any district where he is not authorized by his certificate so to act.

Any person who—

- (1) acts as a pedlar without having obtained a certificate under this Act authorizing him so to act;

... **F4**

shall be liable for a first offence to a penalty not exceeding [<sup>F5</sup>level 1 on the standard scale], and for any subsequent offence to a penalty not exceeding [<sup>F5</sup>level 1 on the standard scale] .

#### Textual Amendments

- F4** Words repealed by Pedlars Act 1881 (c. 45), **Sch.**
- F5** Words substituted by virtue of (E.W.) Criminal Justice Act 1982 (c. 48, SIF 39:1), **s. 46** and (S.) Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

#### **5 Grant of certificate.**

The following regulations shall be made with respect to the grant of pedlar certificates:

- (1) Subject as in this Act mentioned, a pedlar's certificate shall be granted to any person by the chief officer of police of the police district in which the person applying for a certificate has, during one month previous to such application, resided, on such officer being satisfied that the applicant is above seventeen years of age, is a person of good character, and in good faith intends to carry on the trade of a pedlar:
- (2) An application for a pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (3) There shall be paid for a pedlar's certificate previously to the delivery thereof to the applicant a fee of [<sup>F6</sup>twelve pounds twenty five pence][<sup>F7</sup>£12.25]
- (4) A pedlar's certificate shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit:
- (5) A pedlar's certificate shall remain in force for one year from the date of issue thereof, and no longer:

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(6) On the delivery up of the old certificate, or on sufficient evidence being produced to the satisfaction of the chief officer of police that the old certificate has been lost, that officer may, either at the expiration of the current year, or during the currency of any year, grant a new certificate in the same manner as upon a first application for a pedlar's certificate. In Great Britain one of Her Majesty's Principal Secretaries of State, and in Ireland the Lord Lieutenant may from time to time provide for the expiration of all pedlars certificates at the same period of each year, and in doing so shall provide for the apportionment of the fees payable in respect of any such certificate.

**Textual Amendments**

- F6 Words substituted (S.) by virtue of [S.I. 1985/2054, art. 2](#)
- F7 Words substituted (E.W.) by virtue of [S.I. 1985/2027, art. 2](#)

**Modifications etc. (not altering text)**

- C1 Power to amend s. 5 (E.W.) conferred by [Local Government Act 1966 \(c. 42\), s. 35\(2\), Sch. 3 Pt. II para. 8](#)
- C2 Power to amend s. 5(3) conferred (S.) by [Local Government \(Scotland\) Act 1966 \(c. 51, SIF 81:2\), s. 42\(2\), Sch. 4 Pt. II](#) (as amended by [Local Government \(Miscellaneous Provisions\) \(Scotland\) Act 1981 \(c. 23, SIF 81:2\), s. 40, Sch. 3 para. 12](#))

**6 Effect of certificate.**

...<sup>F8</sup>

For the purpose of the <sup>M1</sup>Markets and Fairs Clauses Act 1847, and any Act incorporating the same, a certificate under this Act shall have the same effect, within the district for which it is granted, as a hawkers license, and the term "licensed hawker" in the first-mentioned Act shall be construed to include a pedlar holding such a certificate.

**Textual Amendments**

- F8 Words repealed by [Pedlars Act 1881 \(c. 45\), Sch.](#)

**Marginal Citations**

- M1 [1847 c. 14.](#)

7 .....<sup>F9</sup>

**Textual Amendments**

- F9 [S. 7](#) repealed by [Pedlars Act 1881 \(c. 45\), Sch.](#)

**8 Register of certificates to be kept in each district.**

There shall be kept in each police district a register of the certificates ...<sup>F10</sup> granted ...<sup>F10</sup> in such district under this Act, in such form and with such particulars as may from

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time to time be directed in Great Britain by one of Her Majesty's Principal Secretaries of State, and in Ireland by the Lord Lieutenant.

The entries in such register, and any copy of any of such entries, certified by the chief officer of police to be a true copy, shall be evidence of the facts stated therein.

#### Textual Amendments

**F10** Words repealed by [Pedlars Act 1881 \(c. 45\)](#), [Sch.](#)

### 9 Forms of application to be kept at chief police office.

Forms of applications for certificates shall be kept at every police office in every police district, and shall be given gratis to any person applying for the same; and all applications for certificates shall be delivered at the police office of the division or subdivision of the police district within which the applicant resides, and certificates, when duly signed by the chief officer of police, shall be issued at such office.

### 10 Certificate not to be assigned.

A person to whom a pedlar's certificate is granted under this Act shall not lend, transfer, or assign the same to any other person, and any person who lends, transfers, or assigns such certificate to any other person shall for each offence be liable to a penalty not exceeding [<sup>F11</sup>level 1 on the standard scale].

#### Textual Amendments

**F11** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### 11 Certificate not to be borrowed.

No person shall borrow or make use of a pedlar's certificate granted to any other person, and any person who borrows or makes use of such certificate shall for each offence be liable to a penalty not exceeding [<sup>F12</sup>level 1 on the standard scale].

#### Textual Amendments

**F12** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

### 12 Penalty for forging certificate.

Any person who commits any of the following offences; (that is to say)

(1) Makes false representations with a view to obtain a pedlar's certificate under this Act:

[<sup>F13</sup>(2) Forges or counterfeits a pedlar's certificate granted under this Act:]

(3) . . . <sup>F14</sup>

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[<sup>F13</sup>(4) Aids in making or procures to be made such forged or counterfeited certificate . . . <sup>F14</sup>]

[<sup>F13</sup>(5) Travels with, produces, or shows any such forged or counterfeited certificate . . . <sup>F14</sup>]  
shall for the first offence be liable to a penalty not exceeding [<sup>F15</sup>level 2 on the standard scale], and for any subsequent offence, either instead of or in addition to such penalty, to be imprisoned for any term not exceeding six months, . . . <sup>F16</sup>

#### Textual Amendments

- F13** S. 12, paras. (2), (4) and (5) repealed (E.W.N.I.) by [Forgery and Counterfeiting Act 1981 \(c. 45, SIF 39:7\)](#), s. 30, [Sch. Pt. I](#)
- F14** Words repealed by [Pedlars Act 1881 \(c. 45\)](#), [Sch.](#)
- F15** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), s. 46 and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289G
- F16** Words omitted by virtue of (E.W.) [Criminal Justice Act 1948 \(c. 58\)](#), s. 1(2) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), s. 221(2)

#### Modifications etc. (not altering text)

- C3** [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. 35 (in relation to liability on first and subsequent convictions), applies (E.W.)
- C4** [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), s. 289E (in relation to liability on first and subsequent convictions), applies (S.)

### [<sup>F17</sup>13 No exemption from vagrant law.

A person shall not be exempt from the provisions of any Act relative to idle and disorderly persons, rogues, and vagabonds, by reason only that he holds a certificate under this Act, or assists or is accompanying a pedlar holding a certificate under this Act.]

#### Textual Amendments

- F17** S. 13 as it applies to England and Wales repealed by [Statute Law \(Repeals\) Act 1989 \(c. 43\)](#), s. 1(1), [Sch. 1 Pt. I Gp. 4](#)

### 14 Convictions to be indorsed on certificate.

If any pedlar is convicted of any offence under this Act, the court, before which he is convicted shall indorse or cause to be indorsed on his certificate a record of such conviction.

The indorsements made under this Act on a pedlar's certificate shall be evidence of the facts stated therein.

### 15 Appeal against refusal of certificate by chief officer of police.

If the chief officer of police refuses to grant . . . <sup>F18</sup> a certificate, the applicant may appeal to a court of summary jurisdiction having jurisdiction in the place where such grant . . . <sup>F18</sup> was refused, in accordance with the following provisions:

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- (1) The applicant shall, within one week after the refusal, give to the chief officer of police notice in writing of the appeal:
- (2) The appeal shall be heard at the sitting of the court which happens next after the expiration of the said week, but the court may, on the application of either party, adjourn the case:
- (3) The court shall hear and determine the matter of the appeal, and make such order thereon, with or without costs to either party, as to the court seems just:
- (4) An appeal under this Act to a court of summary jurisdiction in England or Ireland shall be deemed to be a matter on which that court has authority by law to make an order in pursuance of the Summary Jurisdiction Acts, and in Scotland the court may adjudicate on matters arising under this section, in accordance with the enactments relating to the exercise of their ordinary jurisdiction:
- (5) Any certificate, . . . <sup>F18</sup> granted . . . <sup>F18</sup> in pursuance of an order of the court, shall have the same effect as if it had been originally granted . . . <sup>F18</sup> by the chief officer of police.

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**Textual Amendments**

**F18** Words repealed by [Pedlars Act 1881 \(c. 45\)](#), [Sch.](#)

**16 Deprivation of pedlars of certificates by court.**

Any court before which any pedlar is convicted of any offence, whether under this or any other Act, or otherwise, may, if he or they think fit, deprive such pedlar of his certificate; and any such court shall deprive such pedlar of his certificate if he is convicted of begging.

Any court of summary jurisdiction may summon a pedlar holding a certificate under this Act to appear before them, and if he fail to appear, or on appearance to satisfy the court that he is in good faith carrying on the business of a pedlar, shall deprive him of his certificate.

*Duties of Pedlars*

**17 Pedlar to show certificate to certain persons on demand.**

Any pedlar shall at all times, on demand, produce and show his certificate to any of the following persons; (that is to say,)

- (1) Any justice of the peace; or
- (2) Any constable or officer of police; or
- (3) Any person to whom such pedlar offers his goods for sale; or
- (4) Any person in whose private grounds or premises such pedlar is found:

And any pedlar who refuses, on demand, to show his certificate to, and allow it to be read and a copy thereof to be taken by, any of the persons hereby authorized to demand it, shall for each offence be liable to a penalty not exceeding [<sup>F19</sup>level 1 on the standard scale] .

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**Textual Amendments**

**F19** Words substituted (E.W.S.) by virtue of (E.W.) [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), [s. 46](#) and (S.) [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), [s. 289G](#)

**18** ..... **F20**

**Textual Amendments**

**F20** [S. 18](#) repealed (E.W.) by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [s. 119\(2\)](#), [Sch. 7 Pt. I](#) and repealed by [S.I. 1989/1341 \(N.I. 12\)](#), [art. 90\(2\)\(3\)](#), [Sch. 7 Pt. I](#)

**19** ..... **F21**

**Textual Amendments**

**F21** [S. 19](#) repealed by [Police and Criminal Evidence Act 1984 \(c. 60, SIF 95\)](#), [ss. 7\(1\)\(d\)](#), [119\(2\)](#), [Sch. 7 Pt. I](#) and by [S.I.1989/1341 \(N.I. 12\)](#), [art. 90\(2\)\(3\)](#), [Sch. 7 Pt. I](#)

*Legal Proceedings*

**20 Summary proceedings for offences, &c.**

In England and Ireland all offences and penalties under this Act may be prosecuted and recovered in manner directed by the Summary Jurisdiction Acts, before a court of summary jurisdiction.

In Scotland all offences and penalties under this Act shall be prosecuted and recovered before a court of summary jurisdiction under the provisions of [<sup>F22</sup>Part II of the <sup>M2</sup>Criminal Procedure (Scotland) Act 1975], and all necessary powers are hereby conferred on such court.

Provided as follows:

- (1) The court of summary jurisdiction, when hearing and determining an information or complaint, shall be constituted in some one of the following manners; that is to say,
  - (a) In England, either of two or more justices of the peace in petty sessions sitting at a place appointed for holding petty sessions, or of one of the magistrates herein-after mentioned, sitting alone or with others at some court or with others at some court or other place appointed for the administration of justice; that is to say, the Lord Mayor, or any alderman of the city of London, a metropolitan police magistrate, a stipendiary magistrate, or some other officer or officers for the time being empowered by law to do alone or with others any act authorized to be done by more than one justice of the peace; or
  - (b) In Scotland, of two or more justices of the peace sitting as judges in a justice of the peace court, or of one of the magistrates herein-

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after mentioned sitting alone or with others at some court or other place appointed for the administration of justice; that is to say, the [<sup>F23</sup>sheriff principal of the sherriffdom or his sheriff], or the provost or other magistrate of a royal burgh, or some other officer or officers for the time being empowered by law to do alone or with others any act authorized to be done by more than one justice of the peace:

(c) . . . <sup>F24</sup>

- (2) The description of any offence under this Act in the words of such Act, or as near thereto as may be, shall be sufficient in law.
- (3) Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant or prosecutor.
- (4) Penalties recovered in the metropolitan police district shall be applied in manner directed by the Acts relating to the metropolitan police.
- (5) Penalties recovered in Ireland shall be applied according to the <sup>M3</sup>Fines Act (Ireland) 1851, or any Act amending the same.
- (6) In Scotland the following enactments shall have effect:
  - (1) All penalties imposed under this Act may, in default of payment, be enforced by imprisonment for a term not exceeding three months:
  - (2) All penalties recovered under this Act shall be paid to the clerk of the court of summary jurisdiction, and by him accounted for and paid—
    - (a) To [<sup>F25</sup>the Secretary of State] , on behalf of Her Majesty, when the court is the Sheriff's Court:
    - (b) To the collector of county rates, . . . <sup>F26</sup> when the court is the Justice of Peace Court:
    - (c) To the treasurer of the burgh, in aid of the funds of the burgh, when the court is a burgh court:
    - (d) To the treasurer of the Board of Police or Commissioners of Police, . . . <sup>F26</sup> when the court is a police court.

#### Textual Amendments

- F22** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 460(1)(b)**
- F23** Words substituted by virtue of [Sheriff Courts \(Scotland\) Act 1971 \(c. 58\)](#), s. 4, **Sch. 1 para. 1**
- F24** [S. 21](#) proviso 1(c) repealed by [Northern Ireland Act 1962 \(c. 30\)](#), **Sch. 4 Pt. IV**
- F25** Words substituted by [S.I. 1974/1274](#), art. 3(4), **Sch.**
- F26** Words repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**

#### Modifications etc. (not altering text)

- C5** Functions of provost or other magistrate of royal burgh now exercisable by justice of the peace:  
[District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **s. 1(2)**
- C6** Functions of justice of the peace court, burgh court and police court now exercisable by district court:  
[District Courts \(Scotland\) Act 1975 \(c. 20\)](#), **ss. 1(1), 3(1)**

#### Marginal Citations

- M2** 1975 c. 21.
- M3** 1851 c. 90.



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**21 Application of fees.**

All fees received under this Act in England and Ireland shall be applied in manner in which penalties recoverable under this Act are applicable.

All fees received under this Act in Scotland shall be accounted for and paid to the collector of the . . . <sup>F27</sup> district in which they are received, . . . <sup>F27</sup>

**Textual Amendments**

**F27** Words repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\)](#), **Sch. 14**

*Miscellaneous*

**22 Deputy of chief officer of police.**

Any act or thing by this Act authorized to be done by the chief officer of police may be done by any police officer under his command authorized by him in that behalf, and the term “chief officer of police” in this Act includes, in relation to any such act or thing, the police officer so authorized.

**23 Certificate not required by commercial travellers, sellers of fish, or sellers in fairs.**

Nothing in this Act shall render it necessary for a certificate to be obtained by the following persons as such; (that is to say,)

- (1) Commercial travellers or other persons selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein and who buy to sell again, or selling or seeking orders for books as agents authorized in writing by the publishers of such books:
- (2) Sellers of vegetables, fish, fruit, or victuals:
- (3) Persons selling or exposing to sale goods, wares, or merchandise in any public mart, market, or fair legally established.

**24 Reservation of powers of local authority.**

Nothing in this Act shall take away or diminish any of the powers vested in any local authority by any general or local Act in force in the district of such local authority.

**25** . . . . . <sup>F28</sup>

**Textual Amendments**

**F28** [S. 25](#) repealed by [Statute Law Revision Act 1883 \(c. 39\)](#)

**Status:**

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**Changes to legislation:**

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