



# Pedlars Act 1871

## 1871 CHAPTER 96

### *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 authorised by his certificate so to act.

Any person who—

- (1) acts as a pedlar without having obtained a certificate under this Act authorising him so to act; or
  - (2) acts as a pedlar in any district in which he is not authorised so to act by a certificate under this Act,
- shall be liable for a first offence to a penalty not exceeding ten shillings, and for any subsequent offence to a penalty not exceeding one pound.

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

The following regulations shall be made with respect to the grant of pedlars 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 five shillings :
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 the issue thereof, and no longer :
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 or other chief governor or governors of Ireland for the time being, 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.

#### **6 Effect of certificate.**

A pedlar's certificate granted under this Act shall, during the time for which it continues in force, authorise the person to whom it is granted to act as a pedlar within the police district in which the certificate is taken out.

For the purpose of the Markets and Pairs 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 hawker's license, and the term " licensed hawker " in the first-mentioned Act shall be construed to include a pedlar holding such a certificate.

#### **7 Extension of certificate by indorsement to other districts than that for which it was granted.**

Any pedlar who, having obtained a pedlar's certificate, desires to act as a pedlar in any other police district than that in which the certificate is taken out, may, while his certificate remains in force, apply to the chief officer of police of such other district to indorse his certificate, and such officer shall, if 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, and on payment by the pedlar of a fee not exceeding sixpence, indorse such certificate, and such indorsed certificate shall, while it continues in force, authorise the pedlar to act as a pedlar in such other district, and have in all aspects the same effect as a certificate granted under this Act by an officer of such district to a person resident therein would have.

The indorsement shall be in the form specified in schedule two to this Act, or as near thereto as circumstances admit.

#### **8 Register of certificate's to be kept in each district.**

There shall be kept in each police district a register of the certificates and of the indorsement of certificates granted and made in such district under this Act, in such form and with such particulars as may from 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 or other chief governor or governors of Ireland for the time

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.

**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 twenty shillings.

**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 twenty shillings.

**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:
2. Forges or counterfeits a pedlar's certificate granted under this Act:
3. Forges or counterfeits an indorsement made under this Act on such a certificate :
4. Aids in making or procures to be made such forged or counterfeited certificate or indorsement:
5. Travels with, produces, or shows any such forged or counterfeited certificate or indorsement,

shall for the first offence be liable to a penalty not exceeding two pounds, and for any subsequent offence, either instead of or in addition to such penalty, to be imprisoned for any term not exceeding six months, with or without hard labour.

**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.

**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 or indorse a certificate, the applicant may appeal to a court of summary jurisdiction, having jurisdiction in the place where such grant or indorsement was refused, in accordance with the following provisions :

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, or indorsement of a certificate, granted or made in pursuance of an order of the court, shall have the same effect as, if it had been originally granted or made by the chief officer of police.

**16 Deprivation of pedlar of certificate 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.