

COUNTY OF LANCASHIRE ACT 1984
SUMMARY - REGISTRATION OF SECOND-HAND GOODS DEALERS

Section 26 of the above Act provides for the registration of all second-hand goods dealers. The requirements of the section are described below.

1. As from the appointed day (1st June, 1985) no person shall carry on the business of a dealer in second-hand goods unless he is either registered by the City or Borough Council in the area of which the business is carried on, or he is exempted from registration.

2. Application for registration shall be made to the Borough Council in such form as may be prescribed. It shall contain the following information:-

- (i) the name of the applicant and his private address;
- (ii) if the application is on behalf of a body corporate, the registered or principal office of it, together with the names and addresses of all directors or other persons responsible for the management of it;
- (iii) the address of all places in the Borough which are used for the purposes of the business.

The form shall be accompanied by such fee as may be prescribed by the Council.

3. On receipt of an application for registration the Council shall register the applicant and issue a certificate to that effect.

4. If there is any alteration in the particulars mentioned in (2) above or the applicant ceases to carry on business in the Borough as a second-hand goods dealer, he must inform the Borough Council within 14 days. The Borough Council shall then amend the Register as appropriate.

5. All persons registered shall, at each place which is used for the purposes of the business, keep a book and enter in it the following information as respects all transactions at that place under which there are acquired articles in the course of the business:-

- (i) the date of the transaction;
- (ii) the quantity and a description of the articles;
- (iii) the name and address of the person from whom articles were acquired;
- (iv) the registration number of any vehicle used by the vendor of the articles for delivering them to the place of business, where practicable.

The book must be bound and must contain consecutively numbered pages. It must be retained by the registered person for a period of 2 years from the date of the last entry made in the book.

6. Contravention of the requirements of (1) above, or without reasonable excuse (5) above, shall be an offence punishable by a maximum fine of £200.

7. The occupier of all premises used for the purposes of the business shall keep on display a copy of the certificate of registration. Failure to do this without reasonable excuse shall be an offence punishable by a maximum fine of £50 together with a further maximum fine of £5 for each day after conviction on which the failure to display continues.

8. The requirements of this legislation do not apply to the following:-

- (i) a registered charity or an entity exempted from registration by virtue of Section 4(4) of the Charities Act 1960;
- (ii) a registered scrap metal dealer;

- (iii) a person whose sole or principal business involves the sale or purchase of, or dealing in, motor vehicles;
- (iv) a person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk;
- (v) the holder of a licence under Section 22 of the Consumer Credit Act 1974 in respect of activities covered by that licence, or a person exempted from the need to obtain such licence by virtue of Section 21 of that Act;
- (vi) a person engaged in the business of financing the acquisition of goods by agreements involving hire purchase, conditional sale or credit sale; or of financing the use of goods by means of bailment agreements in all cases in respect only of any business or transaction incidental thereto;
- (vii) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second-hand goods is merely incidental.

For the purpose of this legislation a person is not to be treated as a second-hand goods dealer merely because he occasionally enters into transactions involving such dealings.