**APPLICATION FOR A PEDLAR CERTIFICATE**

**Who Needs One?**

A person who is mobile and sells his/her wares whilst moving from place to place and is selling goods in exchange for money as an immediate sale. You are eligible for a Pedlar’s Certificate if you are over 17 years of age, have lived at your current residential address for at least 1 month and are of good character.

NB: A Pedlar’s Certificate is not needed if you are leaving a catalogue and returning later for orders or to collect monies. If you want to sell goods such as tobacco, electronic cigarettes or medicines etc you should obtain advice from Trading Standards at the Council before starting to trade.

Pedlar Certificates are not required by commercial travellers, sellers of fish, fruit, or victuals (food and drink) or people selling at markets or fairs so long as you have the requisite street traders licence or other necessary permission from the local authority. A food seller needs to be registered as a food business within their local authority. It is your own responsibility to ensure you do this.

**Please Note:**

* A Pedlar must be mobile at all times and not set up in a permanent position, i.e. goods laid out on the ground or on a table.

* They must not cause an obstruction to footpaths, public highways, doorways or street corners.
* Trading on Private Land is subject to permission of the Landowner.
* NB; trading without authority is strictly prohibited and may result in the certificate being suspended or revoked by a magistrate in a court of law.

**UNAUTHORISED TRADING IS AN OFFENCE FOR WHICH YOU COULD BE ARRESTED AND/OR PROSECUTED**

**The Pedlar’s Act 1871**

The provisions of this Act provide an exemption to the street trading regulations for persons 'trading as a pedlar'. However, there is guidance as to the definition of a Pedlar that you need to be aware of, and this is detailed below.

There have been a number of legal cases which help to clarify the rules applied to trading under a Pedlar’s Certificate.

**The relevant case which is applied is *Chichester District Council v. Wood* [1997] E.W.H.C.**

In this case the judgement gave us the following definitions:

* A Pedlar goes to his/her customers, rather than allowing them to come to him/her.
* A Pedlar trades as s/he travels, rather than travels to trade.
* A Pedlar is a pedestrian.
* A Pedlar sells reasonably small goods.
* Use of a small means of assisting transport of goods, such as a small trolley, is permitted.
* Use of a stall, a stand, barrow, cart or A frame is not permitted, even if it is on wheels. This may indicate an intention to remain in one place or in a succession of places for longer than is necessary to affect a particular sale, or sales, indicating s/he is a street trader and not a Pedlar.
* If he/she sets up a stall, barrow, or other defined pitch (such as a blanket or sheet), and waits for people to approach him/her rather than approaching them, this indicates that s/he is a street trader and not a Pedlar.

**This means that if you have a Pedlar’s Certificate:**

You must nottake up a static position for longer than the time necessary to affect a sale (unless you are selling to a crowd of people who have gathered for that reason).

You may not stay in the same place for twenty minutes and then move on to another position for twenty minutes and so on. There are some websites that quote this ‘rule’, but they are incorrect and there is case law which confirms that ‘the twenty minute rule’ has no legal authority.

Once you have made a sale, you must move on and continue to move until someone approaches you to make a purchase.

**When using your Pedlar’s Certificate;**

If you intend to use your Pedlar’s Certificate in other parts of the country, you are strongly advised to check with the respective council in that area first to ensure you are permitted to use your Pedlar’s Certificate. Many towns and cities now have their own specific laws and by-laws prohibiting pedlars with a Pedlar’s Certificate from trading in their areas. It is your responsibility to check the law in any area that you want to work in.

**Signed Code of Conduct when using a Pedlar Certificate:**

You will find attached a “Sussex Police Code of Conduct when using a Pedlar Certificate” document. This document is provided for the benefit and information of all applicants for a pedlar certificate, and sets out clearly the rules so there is no misunderstanding, confusion or dispute at a later date about the do’s and don’ts of working as a pedlar. Please ensure that you read this document carefully and sign and date the bottom of the document and enclose it with your application form. If when we receive your application the signed and dated code of conduct form is not enclosed, your application will not be processed and you will not be issued with a pedlar certificate. If you wish to be a street trader please apply to your respective council for a street trader licence. As is clearly explained in the Code of Conduct, if you street trade without a street trading licence and when challenged produce your pedlar certificate, you are liable to be prosecuted for the offence of illegal street trading.

**Application checklist:**

* Completed “Application for Pedlar’s Certificate” form.
* The “Sussex Police Code of Conduct when using a pedlar certificate document, signed and dated by you.
* Completed “Form of Recommendation” filled in by two (2)

referees

* Proof of residence at your home address for the last 1 month, i.e. bank statement or utility bill in your name. You must provide us with an original document and not a copy. Your document will be handed back to you when you attend the police station to collect your Pedlar’s Certificate. You must reside at your home address for at least one month prior to your application and be able to prove to us that you have done so.
* Two (2) passport size photographs
* One (1) clear photocopy of Identification Proof, i.e. Passport, Driving Licence or Birth Certificate.
* One (1) clear photocopy of a valid Work Permit (if applicable)

**Please DO NOT send any money with this application form.**

Please put your documents in a sealed envelope and post to them to:

**Licensing**

**Police Station**

**Centenary House, Durrington Lane**

**WORTHING, West Sussex**

**BN13 2PQ**

Alternatively you can hand the addressed envelope in to your local police station.

### Please note that the Licensing Unit deal with Pedlar Certificates on weekdays by appointment and during normal office hours. We aim to process Pedlar Certificates within 10 working days, but this cannot always be guaranteed. Therefore if you need your pedlar certificate for Brighton Pride or bonfire night, please submit your application at least a month in advance. You will be contacted within this period to arrange a mutually convenient appointment for you to attend the Police Station to collect your certificate and pay the £12.25 fee. We do not have the facility to provide change so we would appreciate it if you could bring the correct money.

You will be required to bring your original passport or driving licence with you to the appointment.

**Lost and Stolen Pedlar’s Certificates**

Please note that there is a charge of £10.00 to replace lost or stolen Pedlar Certificates to cover our administrative costs. In the event that a certificate has to be replaced a second time, the replacement charge is £12.25.

### **Annual Renewal of Pedlar Certificates**

If you wish to renew your Pedlar Certificate, please complete a new application form and enclose two new passport sized photographs, a new Sussex Police Code of Conduct when using a Pedlar Certificate signed and dated, and send the documentation to us as described above. You are encouraged to send in your renewal application at least 21 days before your existing certificate expires. This will give us sufficient time to complete our procedures and make a mutually convenient appointment with you to come and pay for and collect your new certificate. You can write “RENEWAL” on the top of the certificate and state clearly the date you want the new certificate to start.

**Non EU Residents**

If you are a non EU resident, you are advised to ensure that you have the necessary permission to work in the UK before trading as a Pedlar. Sussex Police work in close cooperation with the UK Borders Agency and persons who trade as pedlars without the necessary permission to do so on their visa have been arrested, detained and deported back to their country of origin for breaching the terms of their permission to stay by working as pedlars. It is your responsibility to check that you have the necessary permission to work. The issue of a Pedlar’s Certificate does not give you permission to work when your existing visa permission does not do so.

**Overseas Students Applying for a Pedlar Certificate**

If you are an overseas student who has entered the UK on a visa, there are restrictions on students working which are covered by two sets of rules. For students given leave to enter prior to March 2009 the Immigration Directorate Instructions Section 18.1, and for students given leave to enter since March 2009 the Tier 4 (Student Rules) Paragraph 300. The wording is as follows;

A student must not engage in business, self-employment or the provision of services as a professional sports person or entertainer. A student is not permitted to pursue a career by filling a permanent full-time vacancy.

Therefore any student who works as a pedlar is self employed and working in breach of these rules. He therefore commits an offence under Section 24(i)b(ii) of the Immigration Act 1971 (as amended).

Please note that we also share information with the Department of Work and Pensions.

### **APPLICATION FOR A PEDLAR CERTIFICATE**

### Surname……………………………………………………………….

First Name/s…………………………………………………………..

Address for last one (1) month ……………………………………………………………

………………………………………………………………………………………………..………………………………………………….. Post Code………………………………

Contact Telephone …………………………………………………………………………

Email Address……………………………………………………………………………….

Current Occupation…………………………………………………………………………

Date of Birth…………………………………………………………………………………

Place of Birth………………………………………………………………………………..

Height …………………………………. Nationality………………………………………

Hair…………………………………….. Eyes…………………………………………….

Ethnicity……………………………….. [**White:** British – Irish – Any other White background]

[**Black or Black British:** Caribbean – African – Any other Black background]

[**Asian or Asian British:** Indian – Pakistani – Bangladeshi – Chinese – Any other Asian background]

[**Mixed:** White & Black Caribbean – White & Black African – White & Asian – Any other Mixed background]

What you intend to sell …………………………………………………………………..

………………………………………………………………………………………………

Do you require a work permit (delete as appropriate): YES NO

If YES, do you have a current work permit (delete as appropriate): YES NO

If YES, what is the expiry date? ………………………………………………………..

**Please enclose a photocopy.**

**DECLARATION:**

I declare that the above information is correct. I apply for a certificate under the Pedlars Act 1871, authorising me to act as a pedlar within the United Kingdom.

Signature ……………………………………. Date ……/……/……

******

**Form of Recommendation** (Signed by Two Referees)

##### Please print all information

1. Full Name ……………………………………………………………………………….

Address ………………………………………………………………………………….

……………………………………………… Post Code ………………………………

Contact Telephone ……………………………………………………………………..

Date of Birth …………………………………………………………………………….

How long have you known the applicant……………………………………………….

In what capacity………………………………………………………………………..

**I,** (print name)…..………………………………………………. **know** (applicant’s name)…..………………………………………….. **to be of good character, and recommend them as a fit person to receive a Pedlar’s Certificate.**

Signature ………………………………………………………. ………………..

Date ……/……/……..

1. Full Name …………………………………………………………………………………

Address ……………………………………………………………………………………

………………………………………………. Post Code ……………………………….

Contact Telephone ………………………………………………………………………

Date of Birth ………………………………………………………………………………

How long have you known the applicant…………………………………………………

In what capacity…………………………………………………………………………..

**I,** (print name) …..………………………………………………. **know** (applicant’s name) ………..…………………………………….. **to be of good character, and recommend them as a fit person to receive a Pedlar’s Certificate.**

Signature ………………………………………………………………………..

Date ……/……/……..

**Sussex Police Code of Conduct when using a Pedlar Certificate**

**This document is provided for the benefit of all applicants for a pedlar certificate, and sets out clearly the rules so there is no misunderstanding, confusion or dispute at a later date about the do’s and don’ts of working as a pedlar.**

A pedlar is a person who is mobile and sells his/her wares whilst moving from place to place and is selling goods in exchange for money as an immediate sale.

A food seller needs to be registered as a food business within their local authority.

* A Pedlar must be mobile at all times and not set up in a permanent position, i.e. goods laid out on the ground or on a table.

* They must not cause an obstruction to footpaths, public highways, doorways or street corners.
* Trading on Private Land is subject to permission of the Landowner.
* NB; trading without authority is strictly prohibited and may result in the certificate being suspended or revoked by a magistrate in a court of law.
* A pedlar cannot delegate their pedlar authorisation to another person or lend them their pedlar certificate.

**The Pedlar’s Act 1871**

The provisions of this Act provide an exemption to the street trading regulations for persons **'trading as a pedlar'**. However, there is guidance as to the definition of a Pedlar that you need to be aware of, and this is detailed below.

There have been a number of legal cases which help to clarify the rules applied to trading under a Pedlar’s Certificate.

**The relevant case which is applied is *Chichester District Council v. Wood* [1997] E.W.H.C.**

In this case the judgement gave us the following definitions:

* A Pedlar goes to his/her customers, rather than allowing them to come to him/her.
* A Pedlar trades as s/he travels, rather than travels to trade.
* A Pedlar is a pedestrian.
* A Pedlar sells reasonably small goods.
* Use of a small means of assisting transport of goods, such as a small trolley, is permitted.
* Use of a stall, a stand or a barrow, is not permitted. This may indicate an intention to remain in one place or in a succession of places for longer than is necessary to affect a particular sale, or sales, indicating s/he is a street trader and not a Pedlar.
* If he/she sets up a stall, barrow, or other defined pitch (such as a blanket or sheet), and waits for people to approach him/her rather than approaching them, this indicates that s/he is a street trader and not a Pedlar.

**This means that if you have a Pedlar’s Certificate:**

You must nottake up a static position for longer than the time necessary to affect a sale (unless you are selling to a crowd of people who have gathered for that reason).

You may not stay in the same place for twenty minutes and then move on to another position for twenty minutes and so on. There are some websites that quote this ‘rule’, but they are incorrect and there is case law which confirms that ‘the twenty minute rule’ has no legal authority.

Once you have made a sale, you must move on and continue to move until someone approaches you to make a purchase.

**When using your Pedlar’s Certificate;**

If you intend to use your Pedlar’s Certificate in other parts of the country, you are strongly advised to check with the respective council in that area first to ensure you are permitted to use your Pedlar’s Certificate. Many towns and cities (such as Bournemouth and City of Westminster) now have their own specific laws and by-laws prohibiting pedlars with a Pedlar’s Certificate from trading in their areas. It is your responsibility to check the law in any area that you want to work in.

**Unauthorised trading is an offence for which you could be arrested and/or prosecuted.**

**A pedlar certificate is not an opportunity to engage in street trading bypassing the formal street trading application and payment process. If you engage in street trading without an official street trading licence from the respective council, and when asked by an official or officer to produce your street trading licence you show them your pedlar certificate, you are likely to be prosecuted for illegal street trading. Sussex police work in close partnership with councils, and complaints or prosecutions in respect of illegal street trading are likely to result in Sussex police either seeking repossession of your existing pedlar certificate, and or refusing to renew your pedlar certificate when applied for.**

**This signed document may be produced as evidence in any subsequent legal proceedings against you.**

**I confirm that the above points have been explained to me and I understand and accept the code of conduct for use of a pedlar certificate.**

**Signed:……………………………………………………………………………….**

**Print name: ………………………………………………………………………….**

**Date: ………………………………………………………………………………………………**

**Witnessed by:**

**……………………………………………………………………………………………**