



Nottingham City Council Act 2003

2003 CHAPTER ii

An Act to confer powers on Nottingham City Council for the registration of second-hand goods dealers in the city of Nottingham; for the control of occasional sales and squat trading in the city; and for other purposes. [10th July 2003]

WHEREAS—

- (1) The Nottingham City Council (“the council”) was established under the Local Government Act 1992 (c. 19) as a unitary authority for the city of Nottingham (“the city”):
- (2) The council wishes to reduce the incidence of offences under the Theft Act 1968 (c. 60) by regulating trade in second-hand goods:
- (3) It is expedient that the council should have the power to register dealers in second-hand goods within the city:
- (4) It is expedient that the council should have the power to obtain information about occasional sales and squat trading:
- (5) It is expedient that the other provisions contained within this Act should be enacted:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:
- (7) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 (c. 70) have been observed:

May it therefore please your Majesty that it may be enacted, and 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:—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

PART 1

PRELIMINARY

1 Short title and commencement

- (1) This Act may be cited as the Nottingham City Council Act 2003.
- (2) Part 2 (Registration of dealers in second-hand goods) and Part 3 (Occasional sales and squat trading) of this Act shall come into force on the appointed day.

2 Interpretation

- (1) In this Act—

“appointed day” has the meaning given to it by section 3;

“authorised officer” means an officer of the council authorised by it in writing to act for the purposes of the Act;

“the city” means the City of Nottingham;

“the council” means Nottingham City Council;

“dealer in second-hand goods” means a person who carries on a trade or business, the whole or part of which consists of transactions in second-hand goods;

“motor vehicle” means a mechanically propelled vehicle;

“occasional sale” means an event held in the city at which goods are exposed for supply or offered to the public by one or more sellers or suppliers in the course of a trade or business, but does not include—

- (a) a market the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;
- (b) an event held wholly or mainly for the sale by auction of farm livestock or farm machinery, equipment or plant, or the contents of one or more buildings or other items associated with the building or buildings;
- (c) an auction conducted by a person registered under subsection (1) of section 4 (Registration of dealers in second-hand goods and premises) of this Act on premises registered under that subsection;
- (d) an event held wholly or mainly for the sale of books;
- (e) an event of a class which is by resolution of the council excluded from the operation of this section;

“plant” includes any moveable equipment used for building or construction purposes or in carrying on any industrial process;

“premises” means any land, building or part of a building and for these purposes, “building” includes a temporary or moveable structure;

“record” includes a computer record and references in this Act to the production of a record means, in the case of a computer record, the production of a record in printed form;

“registered number” in respect of a vehicle means the number indicated by the registration mark (within the meaning of section 23 (Registration marks) of the Vehicle Excise and Registration Act 1994 (c. 22)) assigned to the vehicle under that section by the Secretary of State;

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“registration number” means the number which appears on a certificate of registration issued under subsection (2) of section 4 (Registration of dealers in second-hand goods and premises) of this Act;

“squat trading” means a trade or business consisting of the selling, offering for sale, display or exposing for sale of any article by any person on any premises if that person occupies the premises without the consent of the owner or lawful occupier of the premises; and

“vehicle” means a vehicle intended or adapted for use on the road.

- (2) For the purposes of this Act a person who holds an occasional sale includes any person who—
- (a) charges admission to the premises used for the sale; or
 - (b) receives or is entitled to receive, as a person promoting the sale or as the agent, licensee or assignee of such a person, payment in respect of goods sold to persons attending the sale or for the granting of rights to other persons to sell goods to persons attending the sale; or
 - (c) receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale.

3 Appointed day

- (1) In this Act the “appointed day” means such day as may be fixed by the resolution of the council, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for different provisions of this Act.
- (3) The council shall cause to be published in the London Gazette and a local newspaper circulating in the city notice—
- (a) of the passing of any such resolution and of the day fixed thereby; and
 - (b) of the general effect of the provisions of this Act coming into operation on that day;
- and the day so fixed shall not be earlier than the expiration of one month from the publication of the notice.
- (4) Either a photostatic or other reproduction certified by a proper officer (within the meaning of the Local Government Act 1972 (c. 70)) of the council to be a true reproduction of a page or part of a page of the London Gazette or any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice and of the date of publication.

PART 2

REGISTRATION OF DEALERS IN SECOND-HAND GOODS

4 Registration of dealers in second-hand goods and premises

- (1) Subject to sections 8 (Application to existing dealers in second-hand goods) and 9 (Renewal of registration) of this Act—
- (a) a person shall not in the city carry on a trade or business the whole or part of which consists of transactions in second-hand goods when he is not registered

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- by the council under this section or exempted from registration by section 7 (Exemptions under Part 2) of this Act; and
 - (b) when he is not so exempted, he shall not carry on such a business in premises in the city which are occupied by him when the premises are not so registered.
- (2) On application for registration under this section the council shall register the applicant and, if the applicant specifies premises, those premises and issue to the applicant a certificate of registration on which there shall appear a registration number.
- (3) An application for registration under this section shall be made in writing to the council and the applicant shall in the application state—
- (a) his name and private address or, if the application is made by or on behalf of a body corporate or partnership, the registered or principal office of such body or partnership as the case may be and the names and private addresses of the directors, partners or other persons directly or indirectly responsible for the management thereof; and
 - (b) the address of each place in the city which is occupied by the applicant for the purposes of the business.
- (4) Where there is any alteration in the particulars mentioned in subsection (3)(a) or (b), the person registered shall within 14 days notify the council of the fact, and the council shall thereupon amend their register.
- (5) Registration under this section shall remain in force for three years from the date of registration.

5 Information to be kept by registered dealers in second-hand goods

- (1) Subject to subsections (2) and (8), every person registered under section 4 (Registration of dealers in second-hand goods and premises) of this Act shall, as respects every transaction under which he acquires an interest in, or takes charge of, any second-hand articles in the course of the business in respect of which he is registered, enter or cause to be entered forthwith, in a record kept by him—
- (a) the date of the transaction;
 - (b) a description sufficient where reasonably possible to identify the articles and their quantity;
 - (c) either—
 - (i) the name and address of the person from whom the articles were acquired;
 - (ii) the person's registration number if he is registered under section 4; or
 - (iii) some other entry, of a type approved by resolution of the council, by means of which that person may be identified;
 - (d) in the case where the article concerned is a motor vehicle, the registered number (if any) of the vehicle and the reading on the odometer of the vehicle at the time of the transaction; and
 - (e) in the case where the article concerned is—
 - (i) plant; or
 - (ii) a motor vehicle which does not have a registered number; or
 - (iii) a vehicle other than a motor vehicle;
 any serial number or vehicle identification number, as the case may be, marked on the plant or vehicle.

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- (2) Subject to subsection (3), subsection (1) shall not apply in respect of any transaction in respect of which a person acquires an interest in, or takes charge of any second-hand article (or set of such articles) which will, in his reasonable opinion at the time of the transaction—
- (a) be disposed of by him for no value; or
 - (b) be sold or offered for sale by him for a price (which in the case of a set of articles means the total price of the articles, whether sold individually or as a set) less than the relevant amount.
- (3) Subsection (2) shall not apply in relation to any electrically or battery powered goods or to any medium on or by which sound, images or other data are or may be stored or recorded.
- (4) For the purposes of subsection (2) “the relevant amount” is—
- (a) £10 in the case of vehicle parts, jewellery, watches, photographic equipment, sports equipment, equestrian equipment, boating equipment, musical instruments, tools, bicycles, optical equipment, firearms and gardening equipment; and
 - (b) £50 in the case of all other articles to which that subsection applies; or in either case, such other amount (being no lower than the amount specified in the relevant paragraph) as the council may by resolution determine.
- (5) Subject to subsection (8), where a person registered under section 4 sells in the course of his business any second-hand article (or set of such articles) for a price exceeding the relevant amount he shall enter in the record referred to in subsection (1)—
- (a) the name and address of the person to whom the article (or set) was sold;
 - (b) the person’s registration number if he is registered under section 4; or
 - (c) some other entry, of a type approved by resolution of the council, by means of which that person may be identified.
- (6) For the purposes of subsection (5) “the relevant amount” is—
- (a) £100 in the case of electrically or battery powered goods, vehicles and vehicle parts, plant, jewellery, watches, photographic equipment, sports equipment, equestrian equipment, building materials, boats and boating equipment, musical instruments and gardening equipment; and
 - (b) £500 in the case of all other articles;
- or, in either case, such other amount (being no lower than the existing amount) as the council may by resolution determine.
- (7) In the case of transactions under which a dealer in second-hand goods acquires an interest in, or takes charge of or sells articles at an auction the entry of the name and address of the auctioneer in the record referred to in subsection (1) shall suffice for the purposes of subsection (1)(c)(i) or, as the case may be, subsection (5)(a).
- (8) Subsections (1) and (5) shall not apply to transactions involving goods that—
- (a) are acquired outside the city;
 - (b) are neither sold nor offered for sale in the city; and
 - (c) are not kept within the city.
- (9) Every entry made in every record kept by a person in pursuance of this section shall be retained by him until the end of the period of two years beginning with the day on which the entry was made in the record.