

MEDWAY COUNCIL ACT 2001



Occasional Sales

From 1st December 2001 operators of "occasional sales" and the occupiers of premises on which sales are held, will need to comply with the requirements of the Medway Act and the Kent County Council Act. Occasional sales include events such as 'one day sales', boot fairs, computer fairs, markets and antique fairs.

"Occasional sale" is defined as -

An event 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.

Exemptions

- a market established by statute
- 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 buildings
- an auction conducted by a registered dealer on registered premises (i.e. by an auctioneer on his premises)
- an event held wholly or mainly for the sale of books
- an event promoted or conducted by a charity registered under section 3 of the Charities Act 1993
- an established regular market or trade fair which consists of, and only of, persons selling in the course of a trade or business and comprising of not less than five stalls (In order to qualify as a regular event it must be held on the same day each week; on the same day each month; in the same weekend each month; or on the same day in every first, second, third or fourth week in every month. The event must also have taken place in at least 7 out of the 10 weeks or, as the case may be, months preceding the date of the event in question.)
- an event excluded by resolution of the Council (none at present)

Requirements relating to occasional sales

- there is a requirement for **both** the occupier of the premises on which the sale is to take place, and also for the person operating the sale to give 21 days **written notification** to the Council.
- written notification must include the proposed date and time of commencement, expected duration and location of the sale; the nature of the goods to be sold (requirements apply to both new and second hand goods); an estimate of the number of persons expected to attend; the name and address of the holder or promoter of the sale, and the contact details of a person appointed to deal with complaints about the sales. A suggested form which details all the information and which can be used to notify the Council is attached.
- operators of the sale must display their name and contact details at the sale and must include the information on promotional material.
- operators of occasional sales are required to keep a record of the names and addresses of all sellers, the registration number of the vehicles being used by sellers to transport goods to the sale (or alternatively if the seller is registered with the Council as a dealer of second hand goods, the number appearing on his certificate of registration) and whether the seller is selling new goods, second hand goods, or both. The Council is prepared to assist by providing, free of charge, pre-printed forms which can be handed out to sellers for completion. These records must be kept for two years and must be produced to an authorised officer from the Council or to a police officer on demand.

- the requirements also apply to “squat trading” (squat trading is the terminology used to describe those traders who illegally enter vacant ‘high street’ premises and conduct auction type sales).

Other Information

It is an offence to fail to comply with any of the provisions laid down in the Act relating to occasional sales, or to knowingly enter false information in any records required to be kept. It is also an offence for a seller to intentionally provide false information in response to a request made by a holder of an occasional sale.

If you have any specific queries on the legislation please telephone your nearest Trading Standards Office on the following numbers: -

Borough of Medway Office : 01634 333555
Mid Kent Area Office : Tel 01233 652384
East Kent Area Office : Tel 01843 223380
West Kent Area Office: Tel 01732 525291

Written notification of an occasional sale in Medway is required to be sent to: -

Trading Standards
Compass Centre
Pembroke
Chatham Maritime
Chatham
ME4 4YH

Fax: 01634 333182