



SECOND HAND GOODS DEALERS - GUIDANCE NOTES

The County of Lancashire Act 1984

Legislation

The County of Lancashire Act 1984 requires that dealers in second hand goods must be registered with the Local Authority. There is also a duty to keep certain records of transactions at the premises. You are not permitted to carry on the business of a dealer in Second Hand Goods unless you and the premises from which you trade are registered with the Local Authority.

The requirements are to enable the identification of persons passing on stolen goods and protect dealers from allegations relating to receiving stolen goods.

Are all second hand goods covered?

No, there are certain exemptions.

- Charitable organisations
- Scrap metal dealers
- Motor vehicle traders
- Person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk. **If other items are traded on the premises a registration must be obtained from this Council. Failure to do so may result in prosecution.**
- Holders of a licence under section 22 of the Consumer Credit Act 1974 (i.e. those involved in credit or hire businesses)
- Persons engaged in any business whose primary purpose is the supply of new unused goods and to which the supply of second-hand goods is merely incidental.

How to register

An application form is available on the Council website and also on request from the Licensing Department.

When you have registered you must display a copy of the certificate on the premises and you must inform the Council within 14 days if any of the particulars on the application change.

What records have to be kept?

A register must be maintained. The register must be a bound book, and all the pages must be consecutively numbered and pages (even spoiled pages) must not be removed. This register must contain the following information for each and every article acquired by the dealer:

- (a) Name and address of the seller.

- (b) The date of the transaction.
- (c) A description of the article.
- (d) The quantity of articles (if identical).
- (e) The registration number of the vehicle used by the vendor when delivering the articles.

The register must be kept for two years from the date of the last transaction recorded in the book.

Offences

It is an offence if you:

- Carry on the business of a dealer in Second Hand Goods if you and the premises from which you trade are not registered with the Local Authority.
- Fail to keep an acquisition book or if you fail to record the required information.
- Fail to display a certificate of registration in your premises.
- Acquire any second hand goods from a person who is under 16 years of age, even though those goods may be offered to you on behalf of another person.

It is also an offence for a person who you acquire second hand goods from to give you a false name or address. These offences are punishable by a fine.

Failure to register with the Licensing Department will result in the police being informed that you are dealing in second hand goods without being registered. This could lead to prosecution in the Magistrates' Court.

Inspections

A Police Constable may enter and inspect the premises at any reasonable time to ensure that proper records are being kept and that all business being carried on at the premises is lawful.

Licensing officers may visit to check that your registration particulars have not changed and that accurate records are being maintained.

Penalties

Any breach of the County of Lancashire Act is a criminal offence. Similarly all the Trading Standards legislation relating to second hand goods creates criminal offences.

Furthermore, anyone injured or suffering damage arising from the purchase of unsuitable second hand goods may institute civil proceedings, which your third party liability insurance would possibly fail to cover.

Finally, the sale of stolen goods carries substantial penalties and failure to follow the procedures set out in the County of Lancashire Act and these guidance notes would in themselves indicate a failure to take any reasonable precautions.

There is a fee for this registration. Cheques should be made payable to Wyre Council. Please check with the licensing department for the current fee.

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