

PEDDLING AND PEDLARS ACT 1871

You need a pedlar's certificate if you sell in the street without a stall or fixed location.

Pedlars can travel from:

- Door to door
- Place to place
- Town to town

You must:

- Be on foot (a pedestrian)
- Carry your goods (although a small means of transporting goods may be acceptable)
- Keep moving from area to area and not just staying in one street
- Go to customers rather than allowing them to come to you
- Trade whilst travelling, rather than travelling to trade
- Keep moving, pausing only to make sales
- Sell rather than mend

You must not:

- Set up a stall or pitch and wait for people to approach
- Remain stationary for long periods of time (you need to keep moving)
- Use a large, wheeled trolley or similar device to carry and display goods for sale.

Peddling vs Street Trading:

- By remaining in a street for long periods of time you may be illegally street trading.
- Standing for 15 or 20 minutes that is often quoted as a Pedlar's right, this is not true, this is to allow the pedlar to take a break and during this time and should not be trading.
- A pedlar who stands by a portable stall, who trades on foot in that more limited sense, is not a pedlar. They must trade as they travel and does not mean someone who only travels to a certain location to trade.
- A trader who sells or exposes for sale, goods from a portable stall in a street is not classed as a pedlar and is therefore street trading

Pedlars go from town to town or house to house - so should not be frequenting the same small area of Milton Keynes all day and every day.

Pedlars legitimately trading are welcome in the city but traders using a pedlar's licence to illegally participate in street trading in prohibited or consent streets, may face enforcement action including prosecution under the Local Government (Miscellaneous Provisions) Act 1982.

To obtain more information on Street Trading in MK, please visit:

<https://www.milton-keynes.gov.uk/environmental-health/licensing/street-trading>

Case law on Peddling and Pedlars is provided overleaf.

CASE LAW

London Borough of Croydon v William Burden 2002:

The decision was that **someone who is**;

- Habitually stationary for periods certainly at least 15 minutes often in excess of half an hour.
- Who during stationary periods sells intermittently to members of the public; but has not stopped for the purpose of selling to a specific member of the public, is properly to be described as someone who **is engaged in street trading and not that of being a pedlar.**

In other words, **he is not someone**:

- Carrying and selling goods as they move around a large trading area.
- Stopping for a limited purpose of conducting a sale then moving on.

They are someone who is stationary in a succession of different places for longer than is necessary to undertake a particular sale or sales.

Stevenage Borough Council V Write QBD 10 April 1996:

The judge's finding on this case was;

'A street seller operating from one point on a street is operating as from a pitch and is not a peddler.'