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**Respondent Type:** Normal Response
**Collector:** Live Link (Web Link)
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**IP Address:** 78.149.119.48
**Response Started:** Friday, March 15, 2013 11:20:27 PM
**Response Modified:** Saturday, March 16, 2013 12:01:42 AM

**1. a) Your Name**

Naomi Aptowitzer

**2. b) What organisation do you represent (if any)?**

No Response

**3. c) E-mail address:**

[illegible]

**4. d) Please tick the box below that best describes you as a respondent to this consultation**

Pedlar

**1. Question 1: Do you agree with the proposed repeal of the Pedlars Acts 1871 and 1881 UK- wide? (Consultation document page 15)**

No

No I don't agree it should be repealed. It is the private legislation which has a direct effect on legitimate pedlary covered by national law protecting pedlars by way of the Pedlars Act 1871. These private legislation have contravened the EU Services directive as well as attempted to re-define the wording of the Pedlars Act by mis-wording the 2004 amendment saying 'only by means of visits from house to house'. This is not a true and accurate definition of a Pedlar - as per stated in the national legislation of the pedlars Act. A government cannot make a law that makes criminals out of innocent law-abiding people which it what currently happens. The Pedlars act protects Pedlars. It does not need to be repealed but needs to be updated to fit inline with the EU SD requirements which would only need to have two major amendments relating to location address and nationality. Having record of good character gives the public protection against unscrupulous traders. Why not give the idea to the whole of the EU? The Pedlars Act is unique to the UK and should be upheld as a model of trading practice for micro-business to help boost the economy.

**2. Question 1.1: If you are a police force: i) What is the approximate annual cost of administering the pedlar certification scheme? ii) What impacts would repeal of the Acts have in terms of cost, time and/ or other factors? (Consultation document page 15)**

No Response

**3. Question 1.2: If you are a pedlar: What do you consider are the impacts of repeal, both in terms of costs, time, and/or any other factors? (Consultation document page 15)**

The impacts of repeal are there would be no protection or legal definition of the profession of Pedlary - recognised by the EU as a profession - which needs regulating. The Pedlars Act has been in force since 1871 and has stood the test of time. If the law is repealed, it is only up to local council enforcement officers, who have been known to be 'bonus driven' to define what constitutes Pedlar activity in local areas with no legal protection against unfair cases being brought against legitimate pedlars who make a small living from trading freely on the streets without fear of harassment or un-lawful prosecution. One word against another. An amendment to the Pedlars Act would be better, make it so 16 year olds can apply, no residency or nationality need be recorded to fit into the EU requirements. The cost of the certificate is reasonable.

**4. Question 1.3: Do you consider that repeal would have an impact on any other organisation, individual or group? If so, please provide details of that organisation etc and what you consider the impacts on them would be. (Consultation document page 15)**

Individual

Repealing the Pedlars Act would have a profound impact on genuine pedlars who with their Certificate are protected by the national law by the definition of trading which makes it exempt from the private locally adopted laws that discriminate by mos-reprisenting the true legal definition of a Pedlar as written in the Pedlars Act, which subjects genuine lawful Pedlars to persecution and prosecution. Local Authority Act laws have mis-interpreted the definition of the Pedlars Act. Saying a Pedlar is only a Pedlar if they are going 'house to house' is not even written in the Pedlars Act! Therefore they have

completely lied about what a Pedlar is and have made criminals out of innocent people without regard for the true and accurate definition of a Pedlar. The public need to be protected against risky sellers. Without a Pedlars Certificate underpinned by the Pedlars Act there will be no legal definition of what a pedlar is, no lawful framework to protect the age old profession.

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**1. Question 2: Do you agree with our proposed new definition of a pedlar for the purposes of the pedlar exemption from the "national" street trading regime in England and Wales? Please fully explain your reasons for agreeing or disagreeing with any element of the proposed definition. (Consultation document page 18)**

No

No. Because you are already assume that the Pedlars Act WILL be repealed. If it doesn't get repealed then the definition doesn't need to be changed. The definition of a Pedlar is already written in the Pedlars Act. It is the fault of the private local authorities Act that mis-quotes the true and right status of Pedlar by re-writing what it means to be a Pedlar saying 'only by means of visits from house to house' - this is not in the Pedlars Act. Check the wording. So it is the local authorities act that needs to be changed. Your 'new' definition' is not new, it is simply what is already in existence.

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**2. Question 3: If you are a local authority, do you envisage that there might be circumstances in which you would be able to designate a street as a licence/ consent street in relation to established traders but not in relation to temporary traders? (Consultation document Page 18)**

No Response

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**3. Question 4: Do you agree that only one photo needs to be submitted with street trading applications which are made electronically? (Consultation document page 19)**

No Response

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**4. Question 5: Do you agree with this proposal to replace this mandatory refusal ground? If not, please explain why you do not think that the 1933 Act provides adequate protection and why the minimum age requirement of 17 needs to be retained. (Consultation document page 20)**

No Response

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**5. Question 5.1: If you are a local authority, can you indicate the approximate number of those applications you would expect to be made from those under 17 years of age? Consultation document page 20)**

No Response

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**6. Question 6: Would it be helpful for BIS to issue guidance on the circumstances in which the discretionary grounds in 3(6) (a), (d), (e) and (f) can be used? (Consultation document page 20)**

No Response

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**7. Question 7: Do you think there are any circumstances in which the existing paragraph 3(6)(b) ground could be used compatibly with the Directive and, if so, please give reasons? (Consultation document page 21)**

No Response

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**8. Question 7.1: Do you consider that it is necessary to insert a new replacement "suitability" refusal ground into paragraph 3(6)? (Consultation document page 21)**

No Response

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**9. Question 7.2: In relation to this new ground, can you tell us: (i) In what circumstances you would use this ground and how often? (ii) Whether this ground would produce costs on you as a local authority, or on you as a business and what these costs are likely to be? (Consultation document page 21)**

No Response

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**10. Question 7.3: Would it be helpful for BIS to issue guidance on the circumstances in which this replacement ground could be used? (Consultation document page 22)**

No Response

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**11. Question 8: Do you think there are any circumstances in which either of these grounds could be used compatibly with the Directive in relation to temporary traders? (Consultation document page 22)**

No Response

12. Question 8.1: Do you think it would be preferable to pursue our proposed approach of expressly preventing the grounds from being used in relation to temporary traders or to repeal the grounds completely? (Consultation document page 22)

No Response

13. Question 8.2: Will local authorities continue to use these grounds in relation to established traders? (Consultation document page 23)

No Response

14. Question 8.3: Do you foresee any difficulties with our proposals to limit the circumstances in which these grounds can be used in relation to established traders? (Consultation document page 23)

No Response

15. Question 9: Do you foresee any problem resulting from the proposed repeal of paragraph 3(8) of Schedule 4 to the LG(MP)A? (Consultation document page 23)

No Response

16. Question 9.1: Do you agree with our assumption that those who may benefit from this provision are more likely to be UK nationals than nationals of other Member States? (Consultation document page 23)

No Response

17. Question 10: Do you foresee any problems with our proposal to give local authorities flexibility to grant licences for longer than 12 months or indefinitely? (Consultation document page 24)

No Response

18. Question 10.1: If you are a local authority can you further tell us: Whether lengthening the duration of licences would have a positive, negative or neutral impact on the ability of new street traders to obtain licences to trade in your licence streets? (Consultation document page 24)

No Response

19. Question 10.2: If you are a local authority can you further tell us: (i) Whether you are likely to issue licences for more than a 12 month period of indefinitely? (ii) If you are likely to issue licences for a defined period which is longer than 12 months, what period you are likely to choose? (Consultation document page 24)

No Response

20. Question 11: Would it be helpful for BIS to issue guidance as to how the PSR may affect a local authority's ability to use some or all of the revocation grounds contained in paragraphs 5(1)(a) to (c) in relation to established traders/temporary traders? (Consultation document page 25)

No Response

21. Question 11.1: Do you think there are circumstances in which the paragraph 5(1)(d) ground could be used compatibly with the Directive in relation to temporary traders? (Consultation document page 25)

No Response

22. Question 11.2: Do you think it would be preferable to pursue our proposed approach of expressly preventing that ground from being used in relation to temporary traders or to repeal the ground completely? Will local authorities continue to use that ground in relation to established traders? (Consultation document page 25)

No Response

23. Question 11.3: Do you foresee any difficulties with our proposals to limit the circumstances in which that ground can be used in relation to established traders? (Consultation document page 25)

No Response

**24. Question 12: Do you foresee any problems with our proposals - (i) To disapply regulation 19(5) of the PSR where a mandatory ground for refusal of the application exists; or (ii) To leave it to local authorities to decide whether to put arrangements in place to disapply regulation 19(5) in other circumstances, or to specify what conditions will automatically attach to a licence which is deemed to have been granted under regulation 19(5)? Please give reasons for your views. (Consultation document page 26)**

No Response

**25. Question 13: Do you foresee any problems with our proposals to allow local authorities to relax the prohibition in paragraph 7 (7) in its entirety where appropriate? (Consultation document page 27)**

No Response

**26. Question 14: Do you foresee any problems with our proposals to amend paragraph 10(1)(d)? (Consultation document page 27)**

No Response

**1. Question 15: Please can local authorities tell us about any other local Acts regulating street trading which are not listed at Annex B of the consultation document (or any other Acts listed in Annex B which have in fact been repealed). (Consultation document page 29)**

No Response

**2. Question 15.1: Please can local authorities tell us- (a) Whether, having screened your local street trading Acts for compliance with the Directive, amendments /repeals need to be made to that legislation; (b) If such amendments/repeals are needed whether you wish us to include them in our regulations. (Consultation document page 29)**

No Response

**3. Question 16: Please can local authorities tell us- (i) what consequential amendments are needed to the provisions listed in Annex C as a result of the repeal of the Pedlars Acts (and provide appropriately drafted provisions); (ii) whether any consequential amendments are needed to other provisions of Local Acts as a result of the repeal of the Pedlars Acts (and, if so, provide appropriately drafted provisions); (iii) if any of the provisions listed in Annex C are no longer in force. (Consultation document page 31)**

No Response

**4. Question 17: Please can local authorities tell us- (i) What consequential amendments are required to the provisions of local acts listed at paragraph 1.73 as a result of our proposed amendments to Schedule 4 to the LG(MP)A, and provide appropriately drafted provisions? (ii) Whether (and, if so, what) consequential amendments are required to any other provisions of local Acts as a result of our proposed amendments to schedule 4 to the LG(MP)A (and again provide appropriately drafted provisions)? (Consultation document page 32)**

No Response

**5. Do you have any other comments that might aid the consultation process as a whole? Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcomed.**

The Pedlars Act should be changed, not repealed. It is not nice to simply only listen to one side in society without considering those who live and trade day to day or who are budding entrepreneurs who want to try and make a living. The law of the Pedalrs Act 1871 is there to recognise Pedlary as a legitimate profession which makes it special. It should not be outlawed as it is not out of date, people still trade and buy and sell as they have done for thousands of years. To repeal this Act is to expose the UK streets to potentially anyone even of bad or criminal character to pedal openly on the streets, potentially harass members of the public and this will completely stop legitimate trade in the future which has historically kept this country thriving. Instead, the government needs to focus on harmonising the law that local authorities use to manage street trading - and the definition they use to identify Pedlars as only allowed to be trade by 'means of visits from house to house' (not the current definition of a Pedlar) - and the ACTUAL definition as laid out in the 1871 Pedlars Act of parliament which clearly states a Pedlar is someone who trades and travels anywhere in the whole the UK - not only by means of visits from house to house.