Dear Sir,

Following the publication of the proposals to replace? the pedlars act, please find concerns I have regarding the introduction of a complicated to enforce law.

Reference article in the Market Trader News (MTN) of January 2013 (No 153) pages 18 and 19. Copy attached:

I concur with the concerns raised by Nabma in the article.

In addition to these, the enforcement of the proposals, especially clause d in the proposed new definition is not practicable.

In my experience the making and passing of complicated statutes makes for bad law. See (but not limited to) :

Transfer of waste act. (Householders to physically identify their waste at its destination)

Legislation regarding the towing of trailers containing plant on the public Highway.

This is not an exhaustive list, but the above acts demonstrate that if the enforcement of an act is perceived to be " difficult" then enforcement may not be as rigid as the act intended.

Clause d in the proposed definition of pedlars is "made for evasion"

Eg. Who measures the 50m? From exactly which point is the origin of the measurement to exactly which point? Where is the calibration of the measuring device, ? who times the 10 minutes? Where is the calibration of the timing device,? What is a reasonable speed? Who is classed as a customer, and who is just talking to a friend? Etc. etc. etc.

At least one local authority has in place a system whereby if the eventual sentence of a miscreant is less than 6 months, then surveillance of that miscreant is not allowed.

Traders when trading are generally asked to show proof of insurance. Why can Pedlars not do the same, with a Prominent (large sign over the “receptacle”) personal Id to ensure non transfer? (National insurance number for example) This would ensure that not only are they genuine, but would sort out the illegal.

My personal opinion is that, as there is an existing description of exactly how a pedlar trades and how he is to transport his goods why change that part of the description. The identification of who can trade as a pedlar could be “brought up to date” in a similar means to that of applying for a firearms certificate. (Including Two references of at least five years knowledge of the applicant. One of whom must be either Headmaster, Magistrate, Solicitor etc.)

To sum up, the proposals as they stand, will provide an un enforceable law which will then be ignored.

John H. Barham