

GREATER MANCHESTER ACT 1981

54.

(1) A person shall not in a district carry on the business of a dealer in second hand goods when he is not registered by the district council under this section or exempted from registration by, or by virtue of, subsection (9) below and, when he is not so exempted, he shall not carry on such a business in premises occupied by him when the premises are not so registered.

(2) On application for registration under this section the district council shall register the applicant and, if the application specifies premises, those premises and issue to the applicant a certificate of registration.

(3) (a) Every person registered under this section shall, as respects every transaction under which he acquires any articles in the course of his business, enter, in a book kept by him for that purpose, the date of the transaction, the quantity and description of the articles and the name and address of the person from whom the articles were acquired.

(b) Any book kept by a person in pursuance of paragraph (a) above shall be retained by him until the end of the period of one year beginning with the day on which the last entry was made in the book.

(4) Registration under this section shall remain in force for three years from the date thereof.

(5) If any person contravenes subsection (1) or (3) above, he shall be guilty of an offence and liable on summary convictions to a fine not exceeding £200.

(6) The occupier of any premises used by a person registered under this section for the purposes of the business in respect of which he is so registered shall keep a copy of the certificate of registration displayed in the premises, and, if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(7) (a) An authorised officer of the district council, on producing if so required a duly authenticated document showing his authority, or any police constable, may at all reasonable times enter upon, inspect and examine any premises which he has reasonable cause to believe are used for or in connection with the business of a dealer in second hand goods and any book kept in accordance with subsection (3) (a) above, and may do all such things as are reasonably necessary for the purpose of ascertaining whether there is, or has been, in or in connection with the premises, a contravention of the provisions of this section.

(b) Subsections (2), (3) and (4) of section 287 of the Act of 1936 shall apply in respect of entry to premises and the examination of books for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

(8) (a) If a person registered under this section acquires any second hand goods from a person whom he knows to be under the age of 16, whether those goods are offered by that person on his own behalf or on behalf of another person, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(b) Any person who, on selling second-hand goods to a person registered under this section gives that person a false name or false address shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(9) This section shall not apply to-

(a) any person engaged in a business carried on by a group, organisation or body registered as a charity under section 4 of the Charities Act 1960 or excepted from registration by virtue of subsection (4) of that section; or

(b) a person in respect of whom particulars are registered under the Scrap Metal Dealers Act 1964 in respect of his business as a Scrap metal Dealer; or

(c) the holder of a licence issued under section 22 of the Consumer Credit Act 1974, in respect of activities covered by the licence or a person who does not need such a licence by virtue of section 21 of that Act; or

(d) a person engaged in the business either of financing the acquisition of goods by means of hire-purchase agreements, conditional sale agreements or credit-sale agreements (as defined in section 189 (1) of the said Act of 1974) or of financing the use of goods by means of bailment agreements, in respect of any such business or any transaction incidental thereto; or

(e) a person engaged in a business of which the primary purpose is the supply of new unused goods and to which the supply of second hand goods is merely incidental; or

(f) a person engaged in business as a dealer in waste paper, cardboard, textiles or plastics in bulk in respect of his business as such; or

(g) a person whose sole or principal business is the sale or purchase of, or dealing in motor vehicles as defined in section 190 (1) of the Road Traffic Act 1972;

and for the purposes of this section a person is not to be treated as carrying on the business of a dealer in second hand goods merely because occasionally he enters into transactions belonging to a business of that sort.