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Second hand goods guidance notes

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Guidance notes for dealers in second hand goods

Legislation

The County of Lancashire Act 1984 requires dealers in second hand goods to be registered and to keep certain records. 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 are to protect dealers from allegations relating to receiving stolen goods.

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 should change.

Are all second hand goods covered?

No, there are certain exemptions. Car dealers, registered scrap metal dealers, charities, recyclers of paper, board, textiles or plastics and people who are registered under the Consumer Credit Act are exempt.

Similarly dealers who primarily sell new unused goods are exempt if the supply of second hand goods is incidental to the primary business, e.g. an electrical goods store that sells reconditioned equipment.

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:

- Name and address of the seller
- The date of the transaction
- A description of the article
- The quantity of articles (if identical)
- 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 fine.

Failure to register with the licensing service will result in the police being informed that you are dealing in second hand goods without being registered, and the council will prosecute you in the magistrates court for failing to register.

Inspections

A police constable may enter and inspect the premises at any reasonable time and may do anything that is required to ensure that you are keeping proper records.

The council's licensing enforcement officers may also visit to check that your registration particulars have not changed and that accurate records are being maintained.

Other relevant legislation

The trading standards section is responsible for the enforcement of legislation relating to the sale of second hand goods, fireguards, oil filled heaters and lamps, bunk beds, perambulators and push chairs, furniture, gas cookers, toys and electrical fires.

Advice leaflets can be obtained for the trading standards section at the address shown on this leaflet or by telephoning 01253 478375.

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. For example an offence under the Furniture and Furnishings (Fire)(Safety) Regulations 1998 carries a maximum penalty of £5000 fine and/or 6 months imprisonment.

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.

Contact

Licensing service

Municipal buildings, Corporation Street, Blackpool, FY1 1NF

Telephone 01253 478397

Email licensing@blackpool.gov.uk

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