

What legislation was the Pedlars Act founded upon?

[*http://www.nationalarchives.gov.uk/catalogue/displaycataloguedetails.asp?CATID=8081&CATLN=3&accessmethod=5&j=1](http://www.nationalarchives.gov.uk/catalogue/displaycataloguedetails.asp?CATID=8081&CATLN=3&accessmethod=5&j=1)

"Licences on hawkers and pedlars were first instituted in 1697 for a year to help pay the interest on the debt incurred on the transport services during the Irish campaign. Initially, they were managed under the control of the Board of Transportation but on their renewal in 1698 the Treasury appointed a new Board of Commissioners of Hawkers, Pedlars and Petty Chapmen. The duties were renewed for varying periods until 1716 when they were made permanent. In 1810 the Hawkers and Pedlars' Board was abolished and its work taken over by the Board of Hackney Coach Commissioners.

In 1832 licensing work passed to the Board of Stamps and the duties were successively administered by the Board of Stamps and Taxes in 1833 and the Board of Inland Revenue in 1849. In 1864 the stamp duties on hawkers and pedlars' licences were converted to excise licence duties and in 1870 these duties ceased to be levied on licences to hawkers on foot. Such traders were subsequently required to take out a certificate from the police under the Pedlars' Act 1870. The licence duties on other hawkers (e.g. those travelling with a horse) remained in force, collection having passed to the county councils under the Local Government Act of 1888. Administrative responsibility passed from the Board of Customs and Excise to the local authorities in 1950 following the Finance Act 1949. Hawkers' licences were finally abolished under the Local Government Act 1966."

What was the 1697 Act?

William III 1697 An [Act for Licensing Hawkers & Pedlars](#) for a further provision of Interest for the Transportation Debt for reduceing of Ireland.

Summary of the sections...

1. Every Pedlar, Hawker, Petty Chapman & other Trading Person or Persons, going from Town to Towne or to other Mens Houses and travelling either on Foot or with Horse Horses or otherwise carrying to sell or exposing to sell any goods or merchandise shall pay a tax.

2. Upon payment the person may receive a license for him or her so to travel or trade.
3. Informers to be paid. Any travelling trader without such licence shall suffer as a Common Vagrant.
8. Any person may seize or detain hawker until licence produced.
9. Exemption for Persons selling Acts of Parliament, Prayers, Gazettes or Papers, Fish, Fruit or Victuals, Real Workers or Makers of any Goods, Tinkers, Coopers, Glaziers, Plummers, Harness menders or other Persons usually trading in mending Kettles, Tubbs, Household Goods or Harness whatsoever from going about and carrying with him or them proper Materials for mending the same.
12. Exemption for any Person or Persons selling or exposing to sale any sorts of Goods or Merchandizes in any publick Mart Market or Fair within the Kingdom.

The list of exemptions shows clearly that local food sellers, makers of any goods etc were not taxed and that the tax was payable only by those who were travelling traders. **The licence fee was not imposed on the traders goods but on the means by which he traded. The means differentiated him from other traders.**

In 1870 these duties ceased to be levied on licences to hawkers on foot resulting in the Pedlars Act of 1871 which inherited all of the provisions of the 1697 Act but altered several specific points:

- abolition of the tax on pedlars on foot who were subsequently required to take out a Certificate
- Certificate to be issued by the police
- tax for hawkers with beast of burden continued with licence fee paid to county council from 1888 Hawkers Act

- crucially the exemptions were not altered but the descriptions of a pedlars activity was refined

In the 1881 Pedlars Act the jurisdiction for a Certificate was extended to any place in the United Kingdom.

Summary...

History shows that food traders and good makers within a district were free to trade their goods and not be taxed because they did not travel and trade.

The tax was not levied for the goods traded but for the method of trading and the two distinct methods were travelling trade or static trade. The Pedlars Act clause 23 makes provision for sellers of vegetables, fish, fruit or victuals to not require a certificate unless they are travelling traders, on the move... in which case a certificate is required to trade in vegetables, fish, fruit or victuals.

For those pedlars interested in trading in foodstuffs please contact us for assistance.