

The Hawkers and Peddlers Act

[15 October 1867]

ARRANGEMENT OF SECTIONS

Cap.146 | 31 of 1995 s. 4

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Schedule

1. Short title.

1. This Act may be cited as the Hawkers and Pedlars Act.

2. No hawker or pedlar to sell goods without licence.

2. It shall not be lawful for any hawker, pedlar, or other person, to go from place to place, or from house to house, to sell any goods, wares, or merchandise, or other articles of traffic (except such as are hereinafter excepted) unless such hawker, pedlar, or other person shall have a licence, as required by this Act.

3. Licence.

3. (1) Except as otherwise provided in section 8, no person shall carry about for sale in any parish any goods unless he is the holder either of a Class A or a Class B licence under this Act in respect of the parish in which he carries about such goods for sale.

(2) No person who is the holder of a Class A licence under this Act shall carry about for sale in the parish to which such Class A licence relates any goods to a total value in excess of ten dollars at any one time.

4. Grant of licences.

4. (1) Every licence under this Act shall be granted by the Collector of Taxes for the parish to which such licence relates upon -

(a) the payment by the applicant of the appropriate duty in respect of the licence applied for; and

(b) the production by the applicant of a certificate from the Superintendent in charge of Police for the parish in which he is ordinarily resident that he is a fit and proper person to be licensed under this Act:

Provided that where any person applies for a licence under this Act within ten days of the expiration of any licence previously granted to him under this Act such person shall not be required to produce any certificate from the Superintendent of Police.

(2) Every licence granted under this Act shall expire on the 31st day of December of the year in which it is granted.

(3) Every licence under this Act shall, in the case of a Class A licence, be in the form set out as Form I in the Schedule and in the case of a Class B licence, be in the form set out as Form II in the Schedule.

(4) The appropriate duty upon every Class A licence shall be two dollars and the appropriate duty upon every Class B Licence shall be ten dollars.

5. Duration of licence.

5. A hawker's or pedlar's licence issued under this Act in either of the parishes of Kingston or Saint Andrew shall be in full force and effect in both of the said parishes and it shall not be necessary to obtain a separate licence for each such parish.

6. Collector to keep register.

6. (1) The Collector of Taxes shall keep a register in which all licences granted, and the names of the persons obtaining them shall be inserted, and the said register shall be exhibited in the office of the Collector of Taxes.

(2) The Collector shall, once in every quarter of a year, forward a copy of the register, signed and certified as a correct copy, to the Superintendent of Police of his parish, which copy shall be kept in a conspicuous part of the Police Station for the use and guidance of the Constabulary Force.

(3) The register kept under this section shall show in relation to each licence whether it is a Class A licence Class B licence.

7. Penalty on trading without licence.

7. (1) Every hawker, pedlar, or other person, who shall go from place to place, or from house to house, for the purpose of selling, or who shall expose for sale any goods, wares, merchandise, or other articles of traffic (except suet, as are hereinafter excepted) not having a licence for the parish in which he shall so trade as aforesaid, shall, upon summary conviction in the parish wherein the occur, forfeit and pay a sum not exceeding one thousand dollars.

(2) If any person holding any licence under this Act shall be convicted of any offence involving dishonesty or of any breach of the provisions of the Agricultural Produce Act, it shall be lawful for the Court before whom he shall be convicted to require him to

deliver up his licence and to cancel the same. Any person whose licence shall be cancelled under the provisions of this section shall thereupon at once cease to be licensed under this Act to all intents and purposes.

8. Articles which may be sold without licence.

8. Nothing in this Act contained shall extend to prohibit any person from selling any bread, fresh fish, milk, fruit, vegetables, ground provisions, vegetable roots, or other vegetables, commonly known by the name of breadkind, or to limit the real worker or workers, maker or makers of any goods, wares, or manufactures of this Island, including any pickled, salted, preserved, or smoked victual, actually and *bona fide* manufactured in this Island, or his or their children or known agents or servants usually residing with them, from carrying about or exposing for sale, and selling by retail, or otherwise, any of the said goods, wares, or merchandise of his or their own making.

9. Constable may seize hawker or pedlar selling without licence or refusing to produce licence.

9. Any constable or peace officer may seize and detain any hawker, pedlar, or other person found travelling from place to place, or house to house, and trading without a licence, contrary to the provisions of this Act; or who, being so found, shall refuse or neglect, on demand, to produce his licence; and such constable or peace officer shall take such person so seized before a Justice; and such Justice shall, on the confession of the party, or upon due proof on oath made of the offence, convict such offender and impose a penalty not exceeding five hundred dollars; and if the penalty imposed be not immediately paid, the Justice shall by warrant under his hand commit the offender to any prison with or without hard labour for the space of thirty days unless penalty shall be sooner paid.

10. Goods offered or exposed for sale liable to be sold to meet penalty.

10. Under a warrant of distress for the recovery of any penalty against any person convicted under this Act, the goods, wares, and merchandise, or other articles of traffic offered or exposed for sale by such offender may be distrained on, and sold for, or towards payment of, such penalty.

11. Penalty for producing forged licence.

11. Any person producing or showing any forged or counterfeit licence for the purpose of evading this Act shall, on summary conviction for every such offence forfeit a sum not exceeding one thousand dollars, and in default of immediate payment of such penalty shall be imprisoned for any period not exceeding ninety days with or without hard labour as to the Justices shall seem meet.

12. Penalty on illegal dealing with licence.

12. In case any person shall lend or hire any licence granted under this Act, or shall trade with, or under colour of any licence which has not been granted to him, every person so offending shall, for every such offence, forfeit and pay a sum not exceeding one thousand dollars.

13. How penalties recovered.

13. Except where otherwise provided, all penalties and forfeitures under this Act shall be recovered in a summary manner in the parish where the offence was committed; and in default of payment, the party shall be liable to imprisonment with or without hard labour for any period not exceeding thirty days.

SCHEDULE

FORM I

Class A Licence

This is to certify that A.B. of _____ has been this day duly licensed as a fit and proper person to hawk and peddle in the parish of _____ any goods, to a total value not exceeding ten dollars at any one time, from the date hereof until the 31st day of December _____

Given under my hand this _____ day of _____ 19 _____

Collector of Taxes

FORM II

Class B Licence

This is to certify that A. B. of _____ has been this day duly licensed as a fit and proper person to hawk and peddle in the parish of _____ any goods from the date hereof until the 31st day of December _____.

Given under my hand this _____ day of _____ 19 _____

Collector of Taxes