Enterprise House 30 Billing Road
Northampton NN1 5DQ
T 01604 625700
E info@dsa.org.uk www.dsa.org.uk

BIS Consultation on:
Draft Regulations to repeal Pedlars Acts.
Response of Direct Selling Association 28 Jan 2013

Introduction

The Direct Selling Association (the DSA) represents companies which bring their products and services to consumers by the making of off-premises sales, *i.e.* by making sales face-to-face with consumers, away from conventional retail premises and often in people's homes and at their places of work. Although many DSA member companies also market their products and services via distance selling methods, it is the making of such off-premises sales which is what DSA companies have in common.

Over past years only a very few direct selling companies have had activities which fell within the Pedlars Acts and currently there is no DSA member company whose sellers fall within the definition of a pedlar.

Since the activities of DSA members do not include street trading and much of the detail of the Consultation is concerned with street trading, the DSA is not making a response to the numerous detailed questions. The DSA makes three main points:

- It supports the repeal UK-wide of the Pedlars Acts.
- Whilst supportive of what is proposed regarding street trading controls, it would strongly oppose any further widening or extension of street trading controls.
- The DSA would in particular strongly oppose any widening or extension of street trading controls if that resulted in any additional control or regulation of selling at people's houses or in their homes.

Repeal of the Pedlars Acts.

1. The DSA agrees that abolition of the certification scheme in the Pedlars Acts is necessary in order to achieve compliance with the Services Directive. The DSA strongly holds the view that the certification scheme in the Pedlars Acts is in any case ripe for abolition quite apart from the Services Directive, since it is anachronistic, unnecessary and tedious regulation.
2. The certification scheme in the Pedlars Acts is neither necessary nor relevant to the control or restriction of rogue sellers, distraction burglars, fraudsters – *e.g.* certain tree fellers, rogue roofers, fraudulent tarmackers. There is no evidence that these unpleasant modern phenomena are carried out by persons whose activities fall within the Pedlars Acts. There

is no evidence that the existence of the certification scheme in the Pedlars Acts has had any controlling or limiting effect on such activities.

3. Accordingly, the DSA supports the repeal of the Pedlars Acts 1871 and 1881 UK-wide.

Street Trading

4. Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 is solely concerned with the control of street trading. As defined in para 1 of Schedule 4, 'street trading' is (subject to some exceptions) "the selling or exposing or offering for sale of any article (including a living thing) in a street". Quite rightly, the Consultation Paper contains no proposal to change that general definition (though it proposes some changes to the exceptions). DSA members do not "trade in the street". For that reason the proposals relating to street trading appear not to affect DSA members.
5. Much of the Consultation Paper is concerned with continuing to provide an exemption for pedlars from controls on street trading, in particular from having to obtain a street trading licence. The DSA supports this exemption. As just explained, however, this is not a matter of relevance to its members and the DSA does not take a view on the details of this proposal.
6. The activities of those who drop catalogues at people's homes and who later return in the hope of collecting orders – typified by direct sellers working for respected companies such as Avon, Kleeneze and Betterware - are valued by thousands of consumers and need no restrictions beyond those already available. As stated at paragraph 4 above, the DSA believes that the proposals in the Consultation Paper do not affect such activities, as Schedule 4 of the 1982 Act affects only those who "trade in the street". If, however, it were proposed to extend the control on street trading to cover activities conducted on people's doorsteps or in their homes then the DSA would be strongly opposed.

The Services Directive

7. The DSA is against unnecessary regulation.
8. It supports the approach proposed in the Consultation Paper, namely to make the minimum changes necessary to ensure compliance with the Directive.
9. It would be likely to oppose changes which went further than required by the terms of the Directive.

- Ends -

Date: 28 January 2013.

For any further comments or queries, please contact:

Paul Dobson, Code Administrator for the Direct Selling Association.
pauldobson@dsa.org.uk