

Market Traders

Sellers at regular organised markets will be acting in the course of business and therefore are required to fully comply with the broad range of trading standards legislation.

Car Boot Sellers

Car boot sales are an excellent way of recycling unwanted goods by providing the opportunity for buyers to pick up a bargain, whilst allowing private sellers to make a bit of money from unwanted items. It would seem that everyone wins; but do they?

Their popularity has meant that not all car booters are private individuals.

Traders regularly attend car boot sales and a few will hold themselves out to be private individuals so as to avoid their liability (see “What the Law Says”).

If you regularly visit car boot fairs and sell only one type of product (e.g. electrical appliances, babies clothing, videos etc) or you sell goods in quantities which exceed the level that it would be reasonable for a private person to sell, it is probable that you are deemed to be a trader and must therefore comply with trading standards legislation.

Derbyshire County Council Trading Standards Service



Consumer Advice

For complaints about illegal trading, or if you want advice concerning the goods or services you have bought, contact the Citizens Advice consumer helpline on 03454 040506, or log onto their website:
www.adviceguide.org.uk

Trading Standards | |||| tsem
East Midlands

A guide to sellers

Code of Practice for Markets
and Car Boot Sales

A guide to sellers

This Code of Practice is an initiative between the eight trading standards services in the Trading Standards East Midlands (TSEM) region and organisers of markets and car boot fairs to bring about an agreed level of consumer protection and fair competition for traders across the East Midlands.

The purpose of the Code is to combat the sale of illegal goods, imitation guns and age-restricted products to underage persons at these venues. The trade of illegal goods such as stolen, counterfeit and dangerous goods, and inappropriate sales of age-restricted products such as tobacco, alcohol, fireworks, offensive weapons and videos / DVDs is detrimental to both honest traders and consumers.

The Code requires the organiser to give all sellers, whether private or business, a copy of this leaflet.



What the Law Says

Where a trader sells new or used goods, they must:

- Correspond with their description
- Be of satisfactory quality
- Be fit for their intended purpose

Where goods are bought from a private seller the goods must correspond with their description but it is for the buyer to check that they are of satisfactory quality and fit for purpose.

In addition traders must comply with specific trading standards legislation e.g. trade descriptions, safety of goods and food, weights and measures and price marking.

A Summary of the Code of Practice

The Code requires the organiser to:

- Endeavour to prevent the sale of illegal goods, imitation guns, and age-restricted products to under-age persons at the event
- Display the organiser's name, including any trading name and a contact address
- Prominently display trading standards information including the details of Consumer Direct East Midlands (who provide consumer advice)
- Record the name and the vehicle registration number of all sellers and make these records available for inspection by Trading Standards Officers

- Provide all sellers with a copy of this leaflet and make copies available for buyers
- Actively monitor compliance with the Code by all sellers
- Ensure that all staff employed by the organiser are aware of the Code and its requirements
- Advise Trading Standards about any sellers suspected of selling illegal goods or age-restricted products to underage persons

To exclude all sellers who:

- (i) Refuse to provide their names or registration numbers
- (ii) Give false information
- (iii) Are found to be selling illegal goods of any description
- (iv) Are found to be selling age-restricted products to underage persons

Results of illegal trading - Warning

To sell illegal goods is a criminal offence and if prosecuted and found guilty by the Courts you could face:

- Unlimited fines
- Up to 10 years imprisonment
- Forfeiture of your stock
- Confiscation of any proceeds of crime, which can include your home and vehicles