	£
6. For Storehouses and Magazines at Home -	100,000
7. For incidental expenses for the purposes of this Act - - - - -	218,000
	£2,600,000*

* This amount does not include any ammunition, stores, machine, or quick-firing guns.

CHAPTER 33.

An Act to consolidate the Law relating to Excise Licences for Hawkers. [13th August 1888.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Hawkers Act, 1888. . .

Definitions.

2. In this Act each of the following terms shall have the meaning assigned to it by this section unless it is otherwise expressly provided, or there is something in the subject or context inconsistent with such meaning:—

"Hawker" means any person who travels with a horse or other beast bearing or drawing burden, and goes from place to place or to other men's houses carrying to sell or exposing for sale any goods, wares, or merchandise, or exposing samples or patterns of any goods, wares, or merchandise to be afterwards delivered, and includes any person who travels by any means of locomotion to any place in which he does not usually reside or carry on business, and there sells or exposes for sale any goods, wares, or merchandise in or at any house, shop, room, booth, stall, or other place whatever hired or used by him for that purpose.

"Officer" means officer of Inland Revenue.

"Justice" means justice of the peace.

Hawkers licence.

3.—(1.) There shall be granted and paid, for the use of Her Majesty, Her heirs and successors, upon an excise licence to be taken out annually by every hawker in the United Kingdom, the duty of two pounds.

(2.) Every such licence shall be in such form as the Commissioners of Inland Revenue shall direct, shall whenever issued be granted only on payment in full of the duty, and shall expire on the thirty-first day of March in each year.

Exemptions.

(3.) It shall not be necessary for a licence to be taken out under this Act in the following cases; that is to say,

(*a.*) By any person selling or seeking orders for goods, wares, or merchandise to or from persons who are dealers therein, and who buy to sell again:

(*b.*) By the real worker or maker of any goods, wares, or merchandise, and his children, apprentices, and servants usually

residing in the same house with him, selling or seeking orders for goods, wares, or merchandise made by such real worker or maker:

(*c.*) By any person selling fish, fruit, victuals, or coal:

(*d.*) By any person selling or exposing for sale goods, wares, or merchandise in any public mart, market, or fair legally established.

Licence not to be granted without certificate.

4.—(1.) A hawker's licence shall not be granted to any person, otherwise than by way of renewal of a licence for the year immediately preceding, except on the production of a certificate signed by a clergyman or minister of the parish or place wherein such person resides, and two householders of such parish or place, or by a justice for the county or place, or superintendent or inspector of police for the district wherein the officer to whom application is made for the grant of a licence resides, attesting that such person is of good character and is a proper person to be licensed as a hawker.

(2.) If any person forges or counterfeits any certificate for obtaining a licence under this Act, or produces or makes use of any forged or counterfeited certificate or licence, knowing the same to be forged or counterfeited, he shall incur a fine of fifty pounds; and any licence obtained on a forged or counterfeited certificate shall be void.

Provisions to be observed by hawkers and others.

5.—(1.) Every hawker shall keep his name and the words "licensed hawker" visibly and legibly written, painted, or printed upon every box or other package and every vehicle used for the carriage of his goods, and upon every room or shop in which his goods are sold, and upon every handbill or advertisement which he distributes or publishes.

(2.) A hawker shall not let to hire or lend his licence to any person: Provided that a servant may travel with his master's licence and trade for his master's benefit.

(3.) If a hawker contravenes any of the foregoing provisions of this section he shall, for every offence, incur a fine of ten pounds.

(4.) If any person not having in force a licence under this Act in his own real name—

(*a.*) Uses the words "licensed hawker" or any words importing that he carries on the trade of a hawker, or is licensed so to do; or

(*b.*) Trades with or under colour of a licence granted to any person other than his master,

he shall, for every such offence, incur a fine of ten pounds.

Fine for hawking without licence or not producing licence.

6.—(1.) If any person does any act for which a licence is required by this Act—

(*a.*) Without having a proper licence in force in that behalf; or

(*b.*) Without immediately producing, upon demand by any person, a proper licence granted to him or to his master, and then in force,

he shall for every such offence incur a fine of ten pounds over and above any other penalty to which he may be liable.

(2) In any proceeding for recovery of the fine imposed by this section it shall be sufficient to allege that the defendant did trade

as a hawker without having in force a proper licence, and it shall not be necessary further or otherwise to describe the offence.

(3.) Any officer or officer of the peace may arrest a person found committing an offence against this section and convey him before a justice having jurisdiction at the place where the offence is committed, and in default of immediate payment, upon conviction, of the fine, or of the sum to which the fine may be mitigated (which mitigation is hereby authorised), the offender shall be imprisoned, with or without hard labour, for any term not exceeding one month.

Provisions to be applied to licences and fines under this Act.

7. The powers and provisions contained in any Act relating to licences and penalties under Excise Acts, and now or hereafter in force, shall respectively be of full force and effect with respect to the licences under this Act and the fines hereby imposed so far as the same are applicable and are consistent with the provisions of this Act as fully and effectually as if the same had been herein specially enacted with reference thereto.

Repeal of enactments in Schedule.

8. The enactments described in the Schedule to this Act shall be and are hereby repealed to the extent in the said Schedule mentioned: Provided that this repeal shall not affect the past operation of any enactment hereby repealed, or interfere with the institution or prosecution of any proceeding in respect of any offence committed or any penalty or forfeiture incurred against or under any enactment hereby repealed.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Title.	Extent of Repeal.
50 Geo. 3. c. 41 -	An Act for placing the duties of hawkers and pedlars under the management of the Commissioners of Hackney Coaches.	The whole Act.
52 Geo. 3. c. 108 -	An Act to amend an Act passed in the fiftieth year of His present Majesty for placing the duties of hawkers and pedlars under the management of the Commissioners of Hackney Coaches.	The whole Act.
55 Geo. 3. c. 19 -	An Act to grant certain duties of Excise upon licences for the sale of spirituous and other liquors by retail, and upon licences to persons dealing in exciseable commodities in Ireland in lieu of the stamp duties payable upon such licences, and to secure the payment of such Excise duties, and to regulate the issuing of such licences, and to discourage the immoderate use of spirituous liquors in Ireland.	In part; namely, Except sections sixty-four, sixty-five, sixty-seven, and sixty-eight.

Session and Chapter.	Title.	Extent of Repeal.
55 Geo. 3. c. 71 -	An Act to regulate hawkers and pedlars in Scotland.	The whole Act.
6 Geo. 4. c. 81 -	An Act to repeal several duties payable on Excise licences in Great Britain and Ireland, and to impose other duties in lieu thereof, and to amend the laws for granting Excise licences.	In part; namely, Section thirty-five.
22 & 23 Vict. c. 36	An Act to alter the stamp duties payable upon probates of wills and letters of administration, to repeal the stamp duties on licences to exercise the faculty of physic, and to amend the laws relating to hawkers and pedlars.	In part; namely, Sections three and four.
23 & 24 Vict. c. 111	An Act for granting to Her Majesty certain duties of stamps, and to amend the laws relating to the stamp duties.	In part; namely, Section twenty-one.
24 & 25 Vict. c. 21	An Act for granting to Her Majesty certain duties of excise and stamps.	In part; namely, Sections six, seven, and nine.
27 & 28 Vict. c. 18	An Act to grant certain duties of Customs and Inland Revenue.	In part; namely, Schedule B, so far as it relates to the duties on licences to hawkers and pedlars.
,, 56	An Act for granting to Her Majesty certain stamp duties, and to amend the laws relating to the Inland Revenue.	In part; namely, In section six, the words "hawkers and pedlars" and section seven.
28 & 29 Vict. c. 96	An Act to amend the laws relating to the Inland Revenue.	In part; namely, Section eighteen.
29 & 30 Vict. c. 64	An Act to amend the laws relating to the Inland Revenue.	In part; namely, Sections eleven and thirteen.
51 & 52 Vict. c. 8 -	The Customs and Inland Revenue Act, 1888.	In part; namely, Subsection one of section nine.