



**BERMUDA  
1894 : 4**

**PEDLARS ACT 1894**

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SCHEDULE

## **PEDLARS ACT 1894**

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Forms

[27 July 1894]

*[preamble and words of enactment omitted]*

### **Interpretation**

1 In this Act, if not inconsistent with the context—

"pedlar" means any person who goes from place to place in Bermuda, or to other persons' houses, carrying to sell, or exposing for sale, any goods, wares or merchandise, not the product of Bermuda, or procuring orders for goods, wares, or merchandise immediately to be delivered;

"pedlar's certificate" means a certificate granted to the pedlar named therein under this Act.

### **Acting as pedlar without certificate an offence**

2 Any person who acts as a pedlar in Bermuda without a pedlar's certificate commits an offence against this Act:

Punishment on summary conviction: a fine of \$144 for a first offence and a fine of \$576 for any subsequent offence.

### **Issue of certificate**

3 Any Justice of the Peace resident in the parish in which the applicant lives, on the application of any person for a pedlar's certificate, may issue such certificate upon such person complying with this Act.

### **Application form**

4 Every application for a pedlar's certificate shall be in Form A in the Schedule to this Act, and shall be signed by the applicant in the presence of the Justice of the Peace to whom the application is made.

### **Certificate of residents**

5 A pedlar's certificate shall not be issued to any person unless there is endorsed on or annexed to the application therefor a certificate in Form B in the Schedule, signed by not fewer than three residents of the parish in which the applicant lives.

### **Pedlar must be over 13**

6 A pedlar's certificate shall not be issued to any person under the age of thirteen years.

### **Discretion of Justice of the Peace**

7 A pedlar's certificate shall not be issued to any person who, in the judgment of the Justice of the Peace to whom the application is made, is not a fit and proper person to be granted a pedlar's certificate.

**Form of pedlar's certificate**

8 A pedlar's certificate shall be in Form D in the Schedule, and the Justice of the Peace issuing any such certificate shall be entitled to receive from the applicant, before the delivery thereof, a fee of twenty-four cents; and in addition thereto there shall be paid by the applicant to the Justice on the issue by him of a certificate, for the use of the Government, such fee as may be prescribed by regulations made under the Government Fees Act 1965 [*title 15 item 18*].

**Supply of forms**

9 The Secretary to the Cabinet shall from time to time have printed at the public expense for the use of the Justices of the Peace, the forms set out in the Schedule; and such forms shall be furnished to such Justices on application, and shall be given gratis to any person applying for the same.

**Register of pedlars**

10 (1) Every Justice of the Peace (unless he is the Senior Magistrate) who issues a pedlar's certificate shall forthwith forward by post or otherwise to the Senior Magistrate a notice of the issue of such certificate in Form E in the Schedule, and the Senior Magistrate shall enter in a register (to be furnished to him at the public expense and to remain in his custody) the name of every person to whom he issues a pedlar's certificate, and the name of every person to whom a pedlar's certificate has been issued by any Justice and notified to the Senior Magistrate in the manner hereinbefore provided; and the like course shall be pursued as nearly as practicable with respect to the renewal of any licence except that Form F in the Schedule shall be used in such case.

(2) Every notice by post under this section shall be forwarded and delivered by post, post free, if legibly endorsed on the outside "Pedlars Act 1894", with the signature of the Justice sending the notice.

**Evidence**

11 The entries in any register kept under the provisions of section 10, and any copy of any such entries, certified to be a true copy thereof by the Senior Magistrate, shall be evidence of the facts stated therein.

**Lending certificate an offence**

12 Any person who, having obtained a pedlar's certificate, lends, transfers or assigns the certificate to any other person, commits an offence against this Act:

Punishment on summary conviction: a fine of \$576.

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### **Borrowing certificate an offence**

13 Any person who borrows or makes use of a pedlar's certificate issued to any other person commits an offence against this Act:

Punishment on summary conviction: a fine of \$576.

### **False certificates**

14 Any person—

- (a) who makes any false representation with a view to obtaining a pedlar's certificate; or
- (b) who forges or counterfeits a pedlar's certificate; or
- (c) who forges or counterfeits an endorsement made under this Act on a pedlar's certificate; or
- (d) who aids in making, or procures to be made, such forged or counterfeited certificate or endorsement; or
- (e) who travels with, produces, or shows any such forged or counterfeited certificate or endorsement,

commits an offence against this Act:

Punishment on summary conviction: a fine of \$720 if a first offence and in the case of a second or subsequent offence imprisonment for 6 months or a fine of \$720 or both such imprisonment and fine.

### **Endorsement of certificate on conviction of offence under this Act**

15 If any pedlar is convicted of an offence against this Act, the court before which he is convicted shall endorse on his certificate a record of such conviction; and such endorsements shall be evidence of the facts stated therein.

### **Power of court to deprive convicted pedlar of certificate**

16 Any court before which a pedlar is convicted of any offence, whether under this Act, or otherwise, may, if the court thinks fit, deprive such pedlar of his certificate, and in such case shall forthwith send written notice thereof to the Senior Magistrate.

### **Summons to appear before court**

17 A magistrate may summon a person holding a pedlar's certificate to appear before a court of summary jurisdiction, and if he fails to appear, or, upon appearance, fails to satisfy the court that he is carrying on the business of a pedlar in good faith, the court shall deprive him of his certificate.

### **Pedlar to produce certificate on demand**

18 Every pedlar shall at all times on demand produce and show his pedlar's certificate to any of the following persons—

- (a) any Justice of the Peace; or
- (b) any police officer; or
- (c) any person to whom such pedlar offers goods for sale; or
- (d) any person in whose private grounds or premises such pedlar is found;

and any pedlar who refuses on demand to show his pedlar's certificate to, and allow it to be read, and a copy thereof to be taken by, any of the persons hereby authorized to demand it, commits an offence against this Act:

Punishment on summary conviction: a fine of \$288.

**Arrest**

19 Where a pedlar either refuses to show his pedlar's certificate, or has no pedlar's certificate, or refuses to allow, or prevents or attempts to prevent, any such opening or inspection of his pack, box, bag, trunk, or case, as is authorized under this Act, any of the persons authorized to demand the production of the pedlar's certificate, and also for any other person acting by his order or at his request and in his aid, may apprehend such offender and forthwith convey him or cause him to be conveyed before a magistrate to be dealt with according to law.

**Police officer may inspect pedlars' packs**

20 (1) Any police officer at any time may open and inspect any pack, box, bag, trunk, or case in which a pedlar carries his goods, wares or merchandise.

- (2) Any pedlar—
  - (a) who refuses to allow any such police officer to open and inspect such pack, box, bag, trunk or case; or
  - (b) prevents or attempts to prevent him from opening or inspecting the same

commits an offence against this Act:

Punishment on summary conviction: a fine of \$288 for each offence.

**Summary offences**

21 Offences against this Act shall be prosecuted before a court of summary jurisdiction.

**Not necessary that exceptions be specified or negatived**

22 Any exception, exemption, proviso, excuse or qualification, whether it does or does not accompany the description of the offence in

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this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified, or negatived, no proof in relation to the matters so specified or negatived shall be required on the part of the informant.

### **Savings ; commercial travellers and certain others**

23 Nothing in this Act shall render it necessary for a pedlar's certificate to be obtained by any of the following persons as such, that is to say—

- (a) commercial travellers, or other persons selling, or seeking orders for, goods, wares, or merchandise, to or from persons who are dealers therein and who buy to sell again, selling or seeking orders for books as agents authorized in writing by the publishers of such books;
- (b) sellers of vegetables, fish, fruit, or victuals; or
- (c) persons selling or exposing to sale goods, wares or merchandise at public auction.

**SCHEDULE**

**FORMS**

FORM A

Application for Pedlar's Certificate

To the Worshipful [*name of Justice*] J.P.

I [*name in full of applicant*] hereby apply for a pedlar's certificate under the provisions of the Pedlars Act 1894.

I reside in [*blank*] parish, and am above the age of thirteen years.

Dated this [*blank*] day of [*blank*] 19 [*blank*].

Signed by the above named  
[*name in full of applicant*]                      Signature of applicant  
in the presence of

[*Signature of Justice*] J.P.

FORM B

Certificate of Residents

We the undersigned (names in full of three residents) residents of (name the parish in which the applicant lives) Parish, hereby certify that we have been well acquainted with (name in full of applicant) the person named in the application during the three years last past and in our judgment the said (name in full of applicant) is a fit and proper person to be granted a pedlar's certificate.

Dated this [*blank*] day of [*blank*] 19 [*blank*]

(Signature of residents)

FORM C

[*deleted by 1971:116*]

FORM D

Pedlar's Certificate

I [*name in full of Justice issuing certificate*] one of Her Majesty's Justices of the Peace for Bermuda do hereby certify that [*name in full of applicant*]

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a resident of [blank] Parish having paid to me a fee of [blank] for the use of the Government of Bermuda as prescribed by the Pedlars Act 1894, is hereby authorized to act as a pedlar [*here state whether with or without a vehicle propelled or drawn by mechanical or human power, or without a horse or other beast bearing or drawing burden, as the case may be*] within the said Islands for one year from the date of this certificate under the provisions of the Pedlars Act 1894.

Certified this [blank] day of [blank] 19 [blank].

[Signature of Justice] J.P.

Note. This certificate will expire on the [blank] day of [blank] 19 [blank].

[Signature of Justice] J.P.

FORM E

Notice to Senior Magistrate of Issue of Pedlar's Certificate

To the Worshipful [blank] Senior Magistrate

I hereby notify you in accordance with the provisions of section ten of the Pedlars Act 1894, that on the [blank] day of [blank] instant, I issued a pedlar's certificate to [name in full] of [blank] Parish.

Dated this [blank] day of [blank] 19 [blank]

[Signature of Justice] J. P.

FORM F

Notice of Renewal of Pedlar's Certificate

To the Worshipful [blank] Senior Magistrate

I hereby notify you in accordance with the provisions of section ten of the Pedlars Act 1894, that on the [blank] day of [blank] instant, I renewed for one year from the [blank] day of [blank] the pedlar's certificate issued by me to [name in full of Pedlar] on the [blank] day of [blank]

Dated this [blank] day of [blank] 19 [blank]

[Signature of Justice] J.P.

[The Act, originally of limited duration, was continued in force indefinitely by Act No. 43 of 1911.]

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[Amended by

1907 : 36  
1948 : 25  
1949 : 26  
1951 : 78  
1951 : 87  
1952 : 3  
1952 : 11  
1968 : 48  
1971 : 116 ]