



Trading Representations (Disabled Persons) Act 1958

1958 CHAPTER 49

1 Sellers of goods advertised as made by, or sold for benefit of, blind or otherwise disabled persons, to be registered.

- (1) It shall not be lawful, in selling or soliciting orders for goods of any description in the course of a business carried on by any person, for any representation that, or implying that, blind or otherwise disabled persons, or any description of such persons,—
- (a) are employed in the production, preparation or packing, of the goods or,
 - (b) benefit (otherwise than as users of the goods) from the sale of the goods or the carrying on of the business,

to be made in the course of visits from house to house, or by post, unless the person carrying on the business is registered under this Act in respect of goods of that description; and any person who contravenes this subsection shall be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

- (2) The foregoing subsection shall not apply where the business is being carried on—
- (a) by a local authority, or
 - (b) by any fund, institution, association or undertaking which is registered or exempted from registration under the War Charities Act, 1940 or that Act as extended by section forty-one of the National Assistance Act, 1948, or
 - (c) by a company, association or body providing facilities under section fifteen of the Disabled Persons (Employment) Act, 1944 in pursuance of arrangements under subsection (2) of that section, or
 - (d) by any body of persons exempted by the Minister of Labour and National Service (hereinafter referred to as " the Minister ") from the operation of the foregoing subsection, being a body appearing to the Minister to be carrying on business without profit to its members,

or where the person carrying on the business is substantially disabled and all goods with respect to which the representation is made were either produced, prepared, packed or otherwise made ready for sale by his own labour.

- (3) In England or Wales a local authority may institute proceedings for an offence under this section.
- (4) Where an offence under this section which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.
- (5) In this section " house " includes a place of business, and " local authority " means the council of a county, county borough or county district or a metropolitan borough or the Common Council of the City of London, or, in Scotland, a county or town council.
- (6) This section shall come into operation on the first day of January, nineteen hundred and fifty-nine.

2 Registration for purposes of Act.

- (1) Registration under this Act shall be effected by the Minister on applications made to him and in accordance with the following provisions of this section.
- (2) The Minister shall not register a person under this Act unless the Minister is satisfied, in relation to goods of the description as respects which registration is applied for,—
 - (a) that the extent and nature of the employment for substantially disabled persons, or any description of such persons, to be provided by the applicant for registration in connection with the production, preparation, packing or sale of the goods, or as the case may be the benefit to such persons, or any description of such persons, to be provided by the sale of the goods or the carrying on of the business, is such that such representations as are mentioned in subsection (1) of the foregoing section can reasonably and properly be made in relation to the goods, and
 - (b) that the relevant representations which it is proposed to make will fairly convey the extent and nature of the said employment or benefit;

and the Minister shall not proceed with an application for registration under this Act until the expiration of twenty-one days from the publication, in a newspaper the area of circulation of which is such as to be adequate to inform persons likely to be concerned, of an advertisement by the applicant stating that the applicant proposes to apply for registration, specifying the description of goods in respect of which registration is applied for, and stating that representations with respect to the application may be made to the Minister within fourteen days after the publication of the advertisement.

- (3) Registration under this Act may be granted either for a specified period or indefinitely.
- (4) The Minister may impose requirements on persons registered under this Act for securing the matters specified in paragraph (a) or (b) of subsection (2) of this section.
- (5) If at any time while a person is registered under this Act in respect of goods of any description the Minister is not satisfied of the matters specified in paragraph (a) of subsection (2) of this section, or is satisfied that relevant representations are made which do not fairly represent the extent and nature of the employment or benefit provided as aforesaid, the Minister shall cancel the registration; and if any requirement imposed under the foregoing subsection on a person registered under this Act is not complied with the Minister may cancel the registration.

- (6) On an application for registration under this Act the applicant shall furnish such information as the Minister may require with respect to—
- (a) the number of persons to be employed by the applicant in connection with the production, preparation, packing and sale of goods of the description to which the application relates, the capacities in which or operations in which they are to be so employed, and the proportion of the whole, or of those to be employed in particular capacities or operations, which consists of persons who are substantially disabled or of any description of such persons;
 - (b) the terms of employment, and in particular the remuneration, of persons to be employed as aforesaid who are substantially disabled or of any description of such persons;
 - (c) the source from which the applicant will obtain the goods of the description in question to be offered for sale by the applicant, where they are not to be produced by the applicant, and the persons by whom such goods will be prepared or packed where the goods are not to be prepared, or as the case may be packed, by the applicant;
 - (d) the nature of the representations with respect to employment of, or benefit to, substantially disabled persons which it is proposed to make in connection with the sale of the goods, and, where it is proposed to make the representations in relation to a particular description of such persons, the nature of that description of persons,

and with respect to any other matters relevant to determining whether the applicant should be registered.

- (7) At any time while a person is registered under this Act the Minister may require him to furnish such information as may be relevant to the exercise by the Minister of his powers of cancelling registration; and if any person required to furnish such information fails to do so without reasonable excuse the Minister may cancel his registration.
- (8) On the registration of any person under this Act the Minister shall send to him a certificate of registration, and if the registration is for a period the certificate shall specify the date of expiration of that period; and where the Minister refuses to register a person, imposes any requirement on a person under subsection (4) of this section (whether on registration or subsequently) or cancels any registration he shall send notice in writing of the refusal, requirement or cancellation to the applicant for registration or, as the case may be, the person to whom the registration relates.

Any certificate or notice under this subsection may be sent by post to the usual or last known address of the person to whom it is to be sent.

- (9) A certificate purporting to be signed by or on behalf of the Minister that any person was or was not on any date specified in the certificate, or during any period so specified, registered under this Act in respect of goods of a description so specified shall be evidence until the contrary is proved of the facts certified.
- (10) In this section " relevant representation " means a representation such as is mentioned in subsection (1) of the foregoing section, being a representation made or to be made in selling or soliciting orders for the goods in question and in the course of visits from house to house or by post.

3 Appeals against refusal to register, requirements, and cancellations.

- (1) Where the Minister refuses to register an applicant for registration under this Act the applicant may appeal to a magistrates' court acting for the petty sessions area comprising the appellant's place of business; and the court, if satisfied of the matters specified in paragraphs (a) and (b) of subsection (2) of the foregoing section, shall direct the Minister to register the applicant.
- (2) Any person aggrieved by any requirements imposed on him under subsection (4) of the foregoing section, by his being registered for a period, or by the shortness of the period for which he is registered, may appeal to a magistrates' court acting as aforesaid; and the court may vary or cancel the requirements or give directions to the Minister as to the duration of the registration, as the case may require.
- (3) Where the Minister cancels a registration under this Act, the person registered may appeal to a magistrates' court acting as aforesaid; and the court, if satisfied that grounds did not exist for the cancellation of the registration or, in the case of cancellation for a breach of a requirement or failure to furnish information, that the registration ought not to have been cancelled, shall annul the cancellation.
- (4) The time within which such an appeal may be brought shall be twenty-one days from the sending, in pursuance of subsection (8) of the foregoing section, of the relevant notice or certificate to the person appealing.
- (5) An appeal shall lie to quarter sessions from the decision of a magistrates' court under this section.
- (6) The cancellation of a registration under this Act shall not have effect until the time for appealing has expired or, if an appeal is brought, until either the appeal is abandoned or all proceedings thereon or in consequence thereof are determined.
- (7) In the application of this section to Scotland, for references to a magistrates' court acting for the petty sessions area comprising the appellant's place of business there shall be substituted references to the sheriff having jurisdiction in the place where the appellant's place of business is situated, and subsection (5) shall be omitted.

4 Interpretation of references to disablement.

- (1) The references in subsection (1) of section one of this Act to blind or otherwise disabled persons are references to persons under any disability, whether physical or mental, attributable to illness, injury, imperfect development or congenital deformity.