



Isle of Man

Ellan Vannin

AT 9 of 1971

CHAPMEN'S ACT 1971



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**Isle of Man***Ellan Vannin*

CHAPMEN'S ACT 1971

Received Royal Assent: 30 April 1971
Passed: 6 July 1971
Commenced: 6 July 1971

AN ACT to control the activities of itinerant buyers of household or personal effects.

GENERAL NOTE: The maximum fines in this Act are as increased by the *Fines Act 1986* and by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

1 No one to act as a chapman without a licence

- (1) No person shall act as a chapman unless he is the holder of a chapman's licence (in this Act referred to as "**a licence**") authorising him so to act. Any person who acts in contravention of this section shall be guilty of an offence.
- (2) Any person guilty of an offence under this section shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £5,000 or to both.¹

2 Grant of a licence

- (1) The authority responsible for granting a licence shall be the Board.²
- (2) An application for a licence shall be in the prescribed form.
- (3) The fee for the grant of a licence shall be such amount as is prescribed under the *Fees and Duties Act 1989*.³
- (4) A licence shall not be granted to any person —
 - (a) who is under the age of eighteen years;
 - (b) who has been convicted in any part of the British Islands or of the Republic of Ireland of any offence involving dishonesty within the period of five years immediately preceding the date of the application;

- (c) who within the period of twelve months immediately preceding the date of the application has had a licence granted to him cancelled or revoked in accordance with the provisions of this Act; or
- (d) who fails to satisfy the Board that he is a fit and proper person to be the holder of a licence and if acting on behalf of or in association with another person, that that other person is a fit and proper person to be the holder of such a licence.⁴

3 Appeal against refusal to grant a licence

- (1) If the Board refuses to grant a licence the applicant may appeal to the High Bailiff in the prescribed manner.⁵
- (2) The High Bailiff shall hear and determine the matter of the appeal and make such order thereon, with or without costs to either party, as he sees fit.
- (3) The Board shall grant the appellant a licence if the High Bailiff shall so order in accordance with the provisions of the preceding subsection.⁶

4 Form, validity and replacement of a licence

- (1) A licence shall be in the prescribed form and shall be valid for a period of twelve months from the date of issue unless earlier cancelled, revoked or voided in accordance with the provisions of this Act.
- (2) If a licence is lost or destroyed during the period of its validity the Board may upon sufficient evidence being produced grant an applicant a further licence without payment.⁷
- (3) A licence granted in accordance with the provisions of the preceding subsection shall be in the prescribed form and shall be valid for the remainder of the term of the licence which is lost or destroyed.
- (4) Upon the issue of a licence in accordance with the provisions of subsection (2) above the licence which is lost or destroyed shall be void and of no effect.
- (5) If the Board refuses to grant a further licence in accordance with the provisions of subsection (2) above the applicant may appeal to the High Bailiff and the provisions of section 3 of this Act shall apply to such appeal.⁸

5 Register of licences

- (1) The Board shall keep in the prescribed manner a register of licences granted.⁹

- (2) The entries, or a copy thereof certified by the Board to be a true copy, in a register kept in accordance with the provisions of the preceding subsection shall be evidence of the facts stated therein.¹⁰

6 Forgery, fraudulent possession and false information

- (1) Any person who forges or fraudulently alters or uses, or fraudulently lends or allows to be used by any other person, a licence, shall be guilty of an offence.
- (2) Any person who without lawful authority or excuse, the proof whereof shall be on the accused, has in his custody or possession a forged licence, knowing the same to be forged, shall be guilty of an offence.
- (3) Any person who in connection with an application for a licence makes a declaration which to his knowledge is false, or in any particular respect misleading, shall be guilty of an offence.
- (4) Any person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £5,000 or to a term of imprisonment not exceeding six months or both.

7 Notice of change of address

Any chapman who during the period of the validity of his licence changes his address, either in the Isle of Man or elsewhere, shall notify the Board within fourteen days of such event and if he fails to do so shall be guilty of an offence punishable on summary conviction by a fine not exceeding £200.¹¹

8 Duty to show licence

- (1) A chapman shall on demand produce and show his licence to any of the following persons —
 - (a) a police constable or an officer of the Board who has been authorised in writing by the Board for the purposes of this section;¹²
 - (b) a person from whom such chapman offers to purchase household or personal effects;
 - (c) a person in whose private grounds or premises such chapman is found.
- (2) A chapman who refuses to produce and show his licence in accordance with the provisions of the preceding subsection or upon such production or display of his licence refuses to allow any of such persons, to read the same or to take a copy thereof shall be guilty of an offence punishable on summary conviction by a fine not exceeding £200.

9 Cancellation and endorsement of licences

- (1) Upon the conviction of any person of any offence under this Act and he is at that time the holder of a valid licence the court shall either —
 - (a) cancel his licence; or
 - (b) order to be endorsed on his licence particulars of the conviction; which endorsement shall be prima facie evidence of the facts stated therein.
- (2) Upon an order being made under paragraph (a) or (b) of the preceding subsection the offender shall produce his licence to the court within such time as the court may order.
- (3) Any person who fails to comply with the provisions of the preceding subsection shall be guilty of an offence punishable on summary conviction by a fine not exceeding £1,000.

10 Revocation of licences

- (1) Without prejudice to the power of the court under section 9 of this Act the Board may revoke a licence during the currency thereof for good cause.¹³
- (2) The Board shall not revoke a licence under the provisions of the preceding subsection solely on facts in respect of which a person has been charged with an offence under this Act —
 - (a) if he is not convicted of such offence, or
 - (b) if he is convicted, his licence is not cancelled.¹⁴
- (3) Any person whose licence has been revoked under the provisions of subsection (1) of this section shall produce his licence to the Board within such time as the Board may order.¹⁵
- (4) Any person who fails to produce his licence in accordance with the provisions of the preceding subsection shall be guilty of an offence punishable on summary conviction by a fine not exceeding £200.

11 Appeal against revocation of a licence

Any person whose licence has been revoked under the provisions of section 10 of this Act may appeal to the High Bailiff and the provisions of section 3 of this Act shall apply to such appeal.

12 Forfeiture of licences

A licence which has been cancelled or revoked in accordance with the provisions of this Act shall be forfeited to the Government.

13 [Repealed]¹⁶**14 Payment of fees and fines into General Revenue**

All fees or fines levied or imposed under the provisions of this Act shall be paid into the General Revenue of the Isle of Man.

15 Interpretation

In this Act —

“**the Board**” means the Isle of Man Office of Fair Trading;¹⁷

“**chapman**” means a person who is either a resident chapman or a non-resident chapman, but does not include a rag-and-bone dealer;¹⁸

“**non-resident chapman**” means a person who is not a resident chapman and who, at any place or premises in the Isle of Man, offers to purchase, either on his own behalf or on behalf of another, household or personal effects from any person who is not offering such effects for sale in the course of a business;¹⁹

“**prescribed**” means prescribed from time to time by regulations made by the Board;²⁰

“**rag-and-bone dealer**” means any person buying for the purpose of re-sale, or otherwise dealing in rags (other than tailors’ or dressmakers’ cuttings), bones, rabbit-skins, fat or other like articles.

“**resident chapman**” means a person who is —

- (a) resident in the Isle of Man; or
- (b) resident outside the Island but has premises in the Island at which he carries on business throughout at least 2 months of the year and in respect of which that person pays a rate to the local authority for the district in which such premises are situate,

and who goes from house to house offering to purchase, either on his own behalf or on behalf of another, household or personal effects from any person who does not represent himself as currently offering such effects for sale.²¹

16 [Repealed]²²**17 Short title and commencement**

- (1) This Act may be cited as the Chapmen’s Act 1971.
- (2) This Act shall come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate thereof has been signed by the Governor and the Speaker of the House of Keys but shall not take effect until the expiration of one month thereafter.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Subs (2) substituted by Non-Resident Traders Act 1983 Sch 2.

² Subs (1) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

³ Subs (3) substituted by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁴ Para (d) amended by Non-Resident Traders Act 1983 Sch 2 and by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁵ Subs (1) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁶ Subs (3) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁷ Subs (2) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁸ Subs (5) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

⁹ Subs (1) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹⁰ Subs (2) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹¹ S 7 amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹² Para (a) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹³ Subs (1) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹⁴ Subs (2) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹⁵ Subs (3) amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹⁶ S 13 repealed by Police Powers and Procedures Act 1998 Sch 5.

¹⁷ Definition of “the Board” inserted by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6 and amended by SD579/98.

¹⁸ Definition of “chapman” substituted by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

¹⁹ Definition of “non-resident chapman” inserted by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

²⁰ Definition of “prescribed” amended by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

²¹ Definition of “resident chapman” inserted by Non-Resident Traders and Chapmen (Amendment) Act 1996 s 6.

²² S 16 repealed by Statute Law Revision Act 1992 Sch 2.