

Our Ref: IM-FOI-2020-0052  
Date: 03 February 2020



## **FREEDOM OF INFORMATION (SCOTLAND) ACT 2002**

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

**The pedlars act of 1871 and 1881 both state that a pedlar sells wares on foot. There is a statement stating that no beast of burden maybe used. Having just applied and been approved for my pedlars certificate I wish to confirm whether a hand or push cart can be used as this isn't drawn by a beast of burden? When applying I was asked if I would be using a vehicle which I wouldn't have thought would be legal but the fact that I was asked leads me to assume that I would be allowed and as vehicles were not invented when the act was brought into law it raises the question can I use a vehicle to trade from? I do understand that would be in contradiction to the fact a pedlar trades on foot however so would like clarification on this matter and if as I assume a vehicle can not be used by a pedlar would you be able to answer me the question why this was asked as in the act of 1871 it clearly defines how the application should be set out with no mention of this question. In fact several question including my height eye colour skin colour and nationality were all asked on my application none of which is laid out in the 1871 or 1881 acts.**

**So in summary can a pedlar use a hand or push cart?  
If so is there any size restrictions etc?**

**Can a pedlar trade using a vehicle?**

**If so under what law would this be?**

**If not why are we asked on application if we are going to be using one (Ie asked if I planned to commit a criminal offence)?**

**And finally why was I asked my nationality height skin colour and eye colour and obviously the vehicle question above and under what authority are you able to ask these questions on a pedlars application as it's laid out what information is required in law in the acts of 1871 and 1881 and I can find no amendment to this law that allows you to ask any of these questions or indeed for my photograph?**

There is nothing in the Pedlars Act 1871 about how the pedlar is to transport their goods. Therefore, section 17 of the above act applies, notice that information is not held. I would advise that, to ensure that your means of transportation complies with the legislation you should seek your own independent legal advice in this respect.

Should you require any further assistance please contact Information Management - Edinburgh on 0131 311 3901 quoting the reference number given.

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If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to [foi@scotland.pnn.police.uk](mailto:foi@scotland.pnn.police.uk) or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarnock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to [enquiries@itspublicknowledge.info](mailto:enquiries@itspublicknowledge.info) or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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