

# BALLYMENA BOROUGH COUNCIL

## GUIDANCE LEAFLET

### DO YOU SELL AT CAR BOOT SALES?

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#### **IF YOU SELL AT CARBOOT SALES, YOU CANNOT AFFORD TO IGNORE THIS INFORMATION**

It will help you decide whether you are a 'trader', and if so what you must do to comply with the law. It is also designed to help genuine private sellers decide what they should and should not sell.

#### **ARE YOU A TRADER?**

A recent survey shows that most people who sell at boot sales don't consider themselves to be in trade. Many, however, admitted selling at boot sales several times a year. Trading standards officers have estimated that as many as 50% of sellers are regular traders.

So when does the law consider you a trader? There is no hard and fast rule, but ask yourself:

- Are the goods you are selling your personal property? If not and you buy goods in specially to resell, for example from newspaper adverts or a cash and carry, you are very likely to be a TRADER.
- Do you attend boot sales regularly - once every couple of months or more? If so, you are likely to be a TRADER even if boot sales are not a major source of income.
- Do you employ anyone to help you with sales? If so, you are probably a TRADER.
- Do you sell similar goods at other venues, e.g. markets, in the street or from home? If so, you are almost certainly a TRADER.

#### **TRADERS AND THE LAW**

- **Consumer Protection Act and General Product Safety Regulations.**  
Take great care that everything you sell is safe. Be particularly careful with toys, electrical goods, upholstered furniture and clothing, especially nightware.
  - **Food Safety.**  
Environmental Health officers enforce rules governing the labelling and composition of food and will expect you to have checked that food is properly labeled, within any use-by date and of the right quality. Fines for selling food which contravenes these requirements can be high. (Environmental Health Officers are also responsible for controls on hygiene and food which is unfit to eat.
  - Other legislation which may affect you including the Fair Trading Act, the Trade Descriptions Act, Sale and Supply of Goods Act. Information on these can be sought from your Trading Standards Office located at
- \_\_\_\_\_.

## **IF YOU'RE NOT A TRADER**

If you are a genuine 'non-trader' seller, you will be largely outside the controls of consumer law, but there are exceptions: for example, if you describe goods in any way, and that description proves to be false, you will be obliged to give a refund.

There are things you can do, however, which will help avoid problems and which we would recommend as 'good practice' during private sales.

- **Electrical Goods**  
We advise consumers to steer clear of items such as electric fires and irons at boot sales, so unless the item has a reputable, recent source we would caution strongly against its sale.
- **Food**  
Boot sales are not the place to try to get rid of those unwanted tins and packets lurking in the back of your food cupboards.
- **Clothes**  
Think twice before selling nightwear. It might well not meet flammability Requirements that apply to nightwear sold by traders. Children's coats with hood-cords can also pose a hazard so beware of selling these if their source and safety is uncertain.
- **Toys**  
Look toys over to make sure there are not sharp points or small parts that can be pulled off. Put the toy in a skip rather than a sale if it is in bad shape or very old. If you still have packaging, sell the toy in it.
- **Other Danger Areas**  
Caution should be exercised in the sale of the following types of goods. All of them have their own safety standards when sold by traders and you should have them checked carefully before you even think about selling them - Prams and Pushchairs, Paraffin Heaters, Oil Heaters, Upholstered Furniture. This list could include many other items.

## **REMEMBER**

It is not our intention to spoil the fun of people who enjoy buying and selling at boot sales. As well as being a social occasion, boot sales recycle goods and therefore have some environmental benefits.

Our main objective is to see that where traders move in, they behave as traders and meet their obligations.

Whether you are a regular trader or not, you should be ready to co-operate with officers who may visit boot sales at any time to carry out inspections, give advice and investigate complaints.

**For further information contact the Environmental Health Department of Ballymena Borough Council on 028 256 0300.**