

LAWS OF GUYANA

HUCKSTERS LICENSING AND CONTROL ACT

CHAPTER 91:06

Act

28 of 1936

Amended by

24 of 1969

7 of 1981

4 of 1985

13 of 1989

11 of 1993

Current Authorised Pages

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Note
on
Subsidiary Legislation

This Chapter contains no subsidiary legislation.

CHAPTER 91:06
HUCKSTERS LICENSING AND CONTROL ACT
ARRANGEMENT OF SECTIONS

SECTION

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1953 Ed.
c. 119

28 of 1936

An Act to provide for the licensing and control of hucksters.

[1ST JANUARY, 1937]

Short title.

1. This Act may be cited as the Hucksters Licensing and Control Act.

Interpretation.
[24 of 1969]

2. In this Act—

“goods, wares or merchandise” means any article, old or new and includes subject to this Act any provisions or refreshments or anything other than wine, malt liquor or

spirituous liquor for the sale of which a licence is or may be required by law;

“huckster” means any person who travels on foot or with a horse or other beast bearing or drawing burden or with a cycle or motor vehicle and goes from place to place or to other men’s houses carrying to sell or exposing for sale any goods, wares or merchandise, and includes any person who travels by any means of locomotion to any place in which he does not usually reside or carry on business and there sells or exposes for sale any goods, wares or merchandise in or at any house, shop, room, shed, stall or yard, or other place whatever owned, hired or used by him for that purpose;

“licence” means a licence granted under this Act;

c. 28:02
c. 28:01

“market” means a market under the control of a municipality or local authority constituted under the Local Government Act or of a district council established under the Municipal and District Councils Act, or such other place as may from time to time be declared a market by the Minister for the purposes of this Act;

“motor vehicle” means any mechanically propelled vehicle intended or adapted for use on roads and includes a motor cycle with or without a side car or van;

“officer” means any Government officer for the time being performing duties in relation to District Administration and includes any police officer or constable or any revenue officer of rivers, creeks, crown lands and forests.

Huckster’s
licence.
[7 of 1981
4 of 1985
13 of 1989
11 of 1993]
Schedule.

3. No person shall act as a huckster without a licence which shall be non-transferable duly issued to him by an officer in one of the forms set out in the Schedule the duty on which shall be as follows:

Every huckster—

- (a) who travels on foot or with a man-propelled vehicle, or cycle, the sum of \$280
- (b) who travels with a horse or other beast bearing or drawing burden, the sum of \$1,000
- (c) who travels with a motor vehicle the sum of \$5,000

Provided that—

- (i) no huckster's licence shall be required when the goods are exposed for sale in any room or stall in a market or for the sale of bread, cakes, biscuits, pastry, ice, sweetmeats, jams, jellies, fresh fish, game, poultry, eggs, milk or vegetables grown in Guyana or of fresh fruit or coconut oil or charcoal or firewood or for the sale of any produce of land occupied or owned by the seller or his principal, or for the sale of any goods, wares or merchandise by the real worker or maker thereof on his own behalf or by any person selling or seeking orders for goods, wares or merchandise to or from persons who are dealers therein and who buy to sell again;
- (ii) no licence shall have any force within ten miles of any claims located and worked under the

c. 65:01

Mining Act, or the Mining Regulations for the time being in force or shall entitle the holder thereof to carry on the trade or business of a huckster within any area aforesaid;

- (iii) no licence shall be required by anyone who sells only copies of the Bible, the Koran, the sacred books or any portion thereof of any recognised East Indian religion, or any other literature of a religious character;
- (iv) if the inhabitants of any rural area by petition satisfy the Minister that owing to the remoteness of their dwellings from any shop or trading centre they stand in need of visits to their area by hucksters it shall be competent for the Minister to authorise an officer to issue licences of the character set out in subparagraphs (b) and (c) solely for use within such area, at a rate of duty not less than one-eighth of the amount of duty therein prescribed.

Period of licence.

4. Every licence shall whenever issued be granted only on payment in full of the duty and shall expire on the 31st December in each year.

Forging or counterfeiting licences.

5. Any person who forges or counterfeits or makes use of any forged or counterfeited licence under this Act knowing the same to be forged or counterfeited shall be liable on summary conviction to a fine of seven hundred and fifty

dollars and to imprisonment for six months.

Provisions to
be observed by
hucksters

6. (1) Every huckster shall keep his name, the number of his licence and the words "licensed huckster" visibly and legibly painted upon every box or other package and every vehicle used for the carriage of his goods.

(2) A huckster shall not permit to be used, or lend his licence to any person either for or without reward.

(3) No person not having in force a licence under this Act in his own real name shall use the words "licensed huckster" or any words importing that he is a huckster or a licensed huckster or trades with or under the colour of a licence granted to any other person.

(4) Any person who contravenes any of the foregoing provisions of this section shall be guilty of an offence:

Provided that anyone in the *bona fide* employment of the owner of a licence may lawfully make use of, trade and act with and under that licence for the exclusive benefit of the owner, if the name of the person so employed is endorsed upon the licence by an officer or by a magistrate, in which last case the magistrate shall, within seven days thereafter, send or deliver to the officer the particulars of the endorsement.

Fine for
huckstering
without licence
or not
producing
licence.

7. (1) If any person does any act for which a licence is required by this Act—

- (a) without having a proper licence in force in that behalf; or
- (b) without immediately producing upon demand by any person a proper licence granted to him, and then in force, he shall be guilty of an offence.

(2) In any proceedings against any person under this section, it shall be sufficient to allege that the defendant did trade as a huckster without having in force a proper licence and it shall not be necessary further or otherwise to describe the offence.

Demand for production of huckster's licence.

8. (1) Any officer may demand from any person huckstering or exposing for sale any goods, wares or merchandise his licence therefor, in any case in which a licence in respect thereof is or may be required, and if the person does not forthwith produce the licence the officer may seize and detain the goods, wares, and merchandise until the penalty of forfeiture incurred by the person huckstering or offering for sale the goods, wares or merchandise is paid together with all costs of removal.

(2) If the penalty or forfeiture is not paid upon conviction together with all costs of removal, the goods, wares and merchandise together with the motor vehicle, carriage or cart (together with the animal drawing it) or cycle as the case may be shall be liable and leviable for the amount thereof with costs and shall be sold by order of the convicting magistrate, and if the proceeds of the sale are not sufficient for the payment of the penalty or forfeiture with costs the party convicted shall be liable therefor and the payment shall be recovered by distress.

Search of huckster's pack.

9. (1) Any officer may at any time open and inspect any pack, box, bag, barrel, case or other container, and may stop and inspect any vehicle in which a huckster carries his goods, wares or merchandise and any huckster refusing to allow an officer to open and inspect the pack, box, bag, barrel, trunk, case or other container or to stop or inspect the vehicle or attempting to do so shall be guilty of an offence.

(2) Any huckster so acting may be apprehended and detained with the pack, box, bag, barrel, trunk, case or other container or vehicle and the goods, wares or

merchandise therein, until he can be brought before a magistrate.

Assaulting
officer in
execution of
duty.

10. Any person who assaults, obstructs, hinders or molests an officer in the execution of his duty under this Act shall be guilty of an offence.

Acting without
licence.

11. Any person who, in any part of Guyana, does any act for which a licence may not be granted for that part of Guyana though a licence is required elsewhere in Guyana shall be guilty of an offence and shall in addition to any other penalty be liable to a fine equal to the amount of the duty for a licence to do that act.

Sale of articles
ordered to be
sold under this
Act.

12. All articles ordered to be sold by virtue of any of the preceding provisions of this Act shall be publicly sold by some police officer or constable, by direction of the magistrate, for cash to the highest bidder, and the magistrate shall cause notice of the intended sale to be affixed upon a board in his court room at least one week before the day of sale, unless the article seized is of a perishable nature in which case the same shall be sold at the time and in the manner directed by the magistrate; and the surplus proceeds of every sale held under this section, after payment of any penalty awarded against the owner of the article sold, together with all costs and expenses, shall be paid to the owner if he is known, and if he is not known they shall accrue due and shall be paid by the magistrate to the Accountant General for the public use.

Penalties.

13. Any person who is guilty of an offence under this Act for which no special penalty has been provided shall be liable to a fine of three hundred dollars and to imprisonment for six months.

Offences
punishable
under the
Summary

14. Every offence or penalty under this Act may be prosecuted and enforced under the Summary Jurisdiction Acts.

LAWS OF GUYANA

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Hucksters Licensing and Control

Jurisdiction
Acts.

[7 of 1981
4 of 1985
13 of 1989
11 of 1993]

**SCHEDULE
FORMS**

INLAND REVENUE

General No.District
Guyana
Divisional No.....

Hucksters Licensing and Control Act

FORM 1

Licence is hereby granted to
of to act as a
huckster under section 3 (a) from the date hereof to the 31st
December, 20 , he having paid the sum of two hundred and
eighty dollars for this Licence.

Issued subject to the second proviso to section 3 of the
Hucksters Licensing and Control Act.

.....
Officer

Date.....20.....

VALUE \$280.

INLAND REVENUE

General No.District
Guyana
Divisional No.....

Hucksters Licensing and Control Act

FORM 2

Licence is hereby granted to
of to act as a
huckster under section 3(b), from the date hereof to the 31st
December, 20 , he having paid the sum of one thousand
dollars for this Licence.

Issued subject to the second proviso to section 3 of the
Hucksters Licensing and Control Act.

.....
Officer

Date.....20.....

VALUE \$1,000

INLAND REVENUE

General No.....District Guyana
Divisional No.....

Hucksters Licensing and Control Act

FORM 3

Licence is hereby granted to _____ of _____ to act as a Huckster under section 3(c), from the date hereof to the 31st December, 20____, he having paid the sum of five thousand dollars for this licence.

Issued subject to the second proviso to section 3 of the Hucksters Licensing and Control Act.

.....
Officer

Date.....20.....

VALUE \$5,000
