



Nottinghamshire
County Council

Business Information

The Law and Car Boot Sales

Please read the following guidelines carefully.

They could apply to you if you sell either new or second-hand goods at car boot sales.

Safety

It is a legal duty (General Product Safety Regulations 2005) that all new or second-hand goods supplied in the course of a business to a consumer must be safe, and that no one is harmed by their use. This may be achieved by ensuring that they comply with safety standards such as British Standards. In addition to this duty there are a number of Regulations that deal with the safety of specific goods. Some of them are listed below, but if in doubt seek advice from us on the relevant number given below: -

Toys*, Motor Vehicle Tyres*, Bunk Beds*, Oil Heaters*, Ceramic Ware, Pedal Cycles, Hoods on Children's Clothing, Pushchairs*, Cooking Utensils, Prams, Electrical Equipment, Gas Appliances, Plugs and Sockets* including Electric Blankets*, Furniture*, Cosmetics*, Gas Catalytic Heaters*, Pencils, Gas Cookers*, Nightdresses.

***Indicates Regulations which apply to second-hand as well as new. But remember the general duty is that all goods must be safe.**

Upholstered furniture

Since 1989 all new domestic upholstered furniture must pass safety tests and have a permanent label headed "Carelessness Causes Fire" attached.

Second-hand upholstered furniture must also satisfy the safety tests but need not carry the permanent label. Before supplying domestic upholstered furniture consider the fact that if it doesn't have a permanent label how can you be sure that it satisfies the safety requirements.

Contacting us

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Please turn over...

Upholstered furniture (continued)...

Furniture manufactured before 1950 is exempt.

New and second-hand electrical equipment

All new and second-hand electrical equipment must be safe and not likely to cause injury by electrical or mechanical means and should comply with an applicable standard such as a British Standard. If instructions are necessary for the safe operation of the equipment they must be supplied.

Pushchairs

New and second hand pushchairs must have adequate braking systems and a safe folding mechanism, to avoid finger traps.

Plugs and sockets

All new and second-hand domestic electrical equipment must either be fitted with an approved 3 pin plug or where applicable (e.g. shavers) a 2 pin plug, which complies with an appropriate standard. Individual plugs and sockets should also comply with the appropriate standard.

Toys

The essential safety requirements for toys, whether new or second-hand, is to protect the user as well as anybody else from risk of injury or damage to health. Toys should comply with British Standard 5665 (EN71) but in general they must not: -

- be flammable
- have easily detachable small parts e.g. eyes or buttons
- have sharp edges or points
- contain toxic substances or toxic paint

Hood cords on children's clothing

Children's garments with a chest measurement of 44 cms or less (measured across the garment under the arm). Should not have a hood secured by a cord which passes through the material.

When drawn together and tied the cord can present a possible strangulation hazard.

Cosmetic products

Cosmetic products have comprehensive safety requirements that include: -

- They must not be likely to damage a person's health in normal or foreseeable use.
- They must not contain certain listed substances and other substances can only be included within certain limits.
- They need specific labelling information including name and address of manufacturer and instruction for use where appropriate.

Are you acting in the course of business?

There is no legal definition of what constitutes a business. In general, a business can be any operation where goods or services are supplied for gain or reward.

However, the courts have established the following principles:

1. You need not be doing it full-time to be classed as a business.
2. Selling in your spare time could still be selling in the course of a business.
3. It doesn't have to be your usual business.

Therefore, if you sell regularly at car boot sales, even if it is only in your spare time, then you could be operating in the course of a business and the goods you sell will have to comply with the relevant safety legislation to avoid committing a criminal offence.

Regardless of whether you are a trader or not you may still be held responsible if the goods you sell cause injury that could lead to your being sued for damages.

ANY DOUBT - THROW IT OUT!

This leaflet is a brief summary of the law regarding the sale of new or second-hand goods at car boot sales. It is not an authoritative document on the law and is only intended for guidance. For further advice please contact the Trading Standards Service.