

FALKIRK COUNCIL
CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SECOND HAND DEALERS' LICENCES - CONDITIONS SCHEDULE

1. (a) The dealer shall keep or cause to be kept a record of all items bought and sold. The record must be in the form of a properly bound book with consecutively numbered pages and each article purchased by the dealer must be numbered. The book must be kept on the premises specified in the licence at all times;
- (b) records must be preserved for at least three years; and
- (c) the record must include the following details:-
 - date and time of purchase;
 - a full description of each article;
 - name and address of the seller;
 - price paid to seller;
 - date and time of sale by the dealer;
 - description of the article at the time of sale by the dealer; and
 - name and address of the purchaser.
2. The dealer shall not receive or take goods in pledge.
3. The dealer shall not receive or take a pawn ticket issued by a pawnbroker for any article which has been pawned, or negotiate in any manner with the holder of any such pawn ticket, or any person on his behalf, for the purchase of any article to which the pawn ticket refers.
4. The dealer shall not carry on business as a second hand dealer in any premises in which the business of a pawnbroker is carried on or in any other premises having access to such premises.
5. The dealer shall not keep or permit to be kept on his premises any smelting pot or implement for smelting, altering or defacing gold, silver, lead or other metals.
6. The dealer shall not dispose of goods or articles, to, or acquire goods or articles from, any person who appears to be under sixteen years of age, whether such person is acting on his own behalf or on behalf of another person.

7. The dealer shall keep the records mentioned in Conditions 1 and 10 hereof available for inspection at any reasonable time by any Police Constable, Trading Standards Officer, or any officer authorised by the Licensing Authority.
8. The dealer shall not in any way alter, erase or deface his licence.
9. The dealer shall store goods and articles purchased in the course of his dealing only on the premises specified in the licence or on other premises approved by the Licensing Authority from time to time.
10. (a) Dealers in second hand motor vehicles must comply with Condition 1 hereof and further must keep a record book including the following details:-
 - date and time of purchase;
 - colour, make and model of vehicle;
 - date of first registration;
 - engine and chassis numbers and registration number;
 - name and address of seller and name and address of any previous owner shown on the registration document;
 - statement as to whether vehicle registration document V5 was completed;
 - odometer reading both on purchase and on sale;
 - name and address of purchaser;
 - statement whether or not Form V5 was given to the purchaser; and
 - date of last MOT Certificate;
- (b) dealers in second hand motor vehicles must
 - (i) prepare a pre-sales information report on each vehicle in the form approved by the Licensing Authority from time to time (see annexation);
 - (ii) retain one copy of the said pre-sales information report as part of his records for at least three years;
 - (iii) display one copy of the said pre-sales information report on the inside of the windscreen of the vehicle at all times when the vehicle is on display or offer for sale, so that all the information on the information report can easily be read from outside the vehicle;
 - (iv) complete all sections of the pre-sales information report; and
 - (v) supply any prospective purchaser(s) with a copy of the pre-sales information report before a contract of sale is concluded; and

- (c) dealers in second hand motor vehicles shall adhere to the Code of Practice for the Motor Industry, drawn up by the Motor Agents Association, the Scottish Motor Trade Association and the Society of Motor Manufacturers and Traders in consultation with the Director General of Fair Trading.
- 11. The dealer shall display their licence in a prominent place within the premises at a place where it may be inspected by customers or potential customers and shall produce their licence, on demand, to any Police Officer, Trading Standards Officer, or any officer authorised by the Licensing Authority, or any other interested person.

EXPLANATORY NOTES

It is a criminal offence to breach a condition of a licence and the holder of a licence is liable, on summary conviction, to a fine not exceeding £200 for such a breach.

A Licensing Authority may suspend a licence if a condition of a licence has been contravened.

Where there is a material change of circumstances, including change of address, affecting the holder of a licence, or the activity to which the licence relates, the holder of the licence **must** notify the Licensing Authority of the change as soon as reasonably practicable after it has taken place.

The holder of a licence which relates to any activity consisting of or including the use of premises shall not cause or permit there to be made any material change in the premises without the prior consent of the Licensing Authority.

A second hand dealer shall not dispose of any item of his stock in trade, except for articles acquired in a public group and disposed of without being brought to the dealer's place of business, until the expiry of 48 hours (excluding any time on Saturdays and Sundays) after he acquired it. He shall be liable, on summary conviction, to a fine not exceeding £200 for a contravention.

If anything is offered to a second hand dealer in the course of his business and he has reason to believe that it has been stolen or otherwise unlawfully obtained he may detain the person offering it and a Constable may arrest that person and take possession of it.