

SECOND HAND DEALERS LICENCE CONDITIONS

- (1) The licence holder shall be permitted to deal in or from the above premises and no other premises;
- (2) The licence holder shall be permitted to deal only on the following days and at the following times videlicet:-
- (3) The licence holder shall be permitted to deal in 'X' and no other goods or articles;
- (4) The licence holder or, where the licence holder is not carrying on the day to day management of the activity in relation to which this licence applies, then the person who is, shall exhibit this licence on demand to any person;
- (5) The licence holder shall not in any way alter, erase or deface this licence;
- (6)
 - (a) The licence holder shall keep or cause to be kept a register of all items bought and sold. The register must be in the form of a properly bound book with consecutively numbered pages or in another form approved by the Council and each article purchased by the dealer must be numbered. The register must be kept on the premises specified in the licence at all times;
 - (b) The register must include the following details:-
 - (1) date and time of purchase;
 - (2) a full description of each article;
 - (3) the name and address of the seller, and
 - (4) the name and address of the purchaser
 - (c) In the case of second hand motor vehicles the register must include the following additional details;
 - (1) purchase price;
 - (2) colour;
 - (3) make, model and registered number of car;
 - (4) date of first registration;
 - (5) engine and chassis numbers;
 - (6) name and address of previous owner shown in the registration document;
 - (7) odometer reading both on purchase and on sale;
 - (8) sale price, and
 - (9) date of most recent MOT certificate (if applicable)
 - (d) Entries in the register must be preserved for a period of not less than three years;
 - (e) The licence holder shall at all times while the premises specified in the licence are open for business keep the register available for inspection by any Police Constable, any Consumer and Trading Standard Officer or any authorised officer of the Council;
- (7)
 - (a) If the licence holder intends to display for sale/sell any vehicle to a member of the public he must -
 - (1) carry out an inspection and prepare a full used Vehicle Pre-Sales Inspection Report on the vehicle prior to it being displayed for sale/sold and make a copy

of the Inspection Report available for inspection by any prospective purchaser while the garage/showroom is open, in a style approved by the Council (see Note 2 and Annex 1);

- (2) display a Used Vehicle Pre-Sales Information Sheet, in a style approved by the Council (see Annex 2), in a prominent position in the vehicle displayed for sale so that it is clearly visible, indicating that the vehicle has been inspected and that a full Inspection Report may be consulted in the office/showroom prior to sale and that the purchaser will receive a copy of the Inspection Report at the time of sale;
 - (3) complete all sections of the Inspection Report as appropriate and provide the purchaser with a copy of the Inspection Report, which should be signed by both the purchaser and the dealer and dated, at the time of sale;
 - (4) retain one copy of the Inspection Report as part of his records for at least three years;
 - (b) If the licence holder intends to sell/dispose of any vehicle to another dealer he must:-
 - (1) complete a Trade Sale of Vehicle form, in a style approved by the Council (see Annex 3) to be signed by both dealers or a used vehicle sales invoice endorsed "Trade Sale" and
 - (2) retain one copy of the Trade Sale of Vehicle form as part of his records for at least three years;
 - (c) Dealers in bicycles, motorcycles, mopeds or any other type of vehicle, including caravans and trailers, shall comply as far as possible with the above conditions or with any other alternative conditions of which they are advised when a licence is issued;
- (8) The licence holder shall keep the register, Inspection Reports, Trade Sale of Vehicle forms and invoices referred to in Conditions 6 and 7 above available for inspection at any reasonable time by any authorised officer of Trading Standards, Police Scotland or the Council;
 - (9) The licence holder shall not dispose of any of his stock in trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after acquiring it. This condition shall not apply to any article acquired by the licence holder in a public roup and disposed of by him without being brought to the premises specified in the licence. The Council may on granting this licence or at any time thereafter on written application by the licence holder and after consultation with the Chief Constable order that this condition shall not apply to any specified item or class of item of his stock in trade or any specified part of it;
 - (10) The licence holder shall not receive or take goods in pledge;
 - (11) The licence holder shall not receive or take a pawn ticket issued by a Pawn Broker 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;
 - (12) The licence holder shall not carry on business as a second hand dealer in any premises in which the business of Pawn Broker is carried on or in any other premises having access to such premises;

- (13) The licence holder shall not keep or permit to be kept in the premises specified in this licence any smelting pot or implement for smelting altering or defacing gold, silver, lead or other materials;
- (14) The licence holder shall not dispose of goods or articles to or acquire goods or articles from any person who appears to be under 16 years of age whether such person is acting on his own behalf or on behalf of another person;
- (15) The licence holder shall at all reasonable times exhibit and produce on demand to the Chief Constable or to any Constable acting under him all articles in the possession of the licence holder which he may have received or purchased by way of trade;
- (16) The licence holder shall store goods and articles purchased in the course of his dealings only on the premises specified in the licence or on other premises approved by the Council from time to time. Such goods and articles shall be kept there for the full period of 48 hours from and after the date on which it shall appear from his books that such articles have been purchased or received and the licence holder shall attach on each article a ticket or label with the date of purchase or receipt written thereon;
- (17) The licence holder shall not acquire in the course of business:-
 - (a) any voucher, note or other document issued by or under the authority of any public or local authority or any charitable institution by virtue of which a person may receive any assistance whatsoever, or
 - (b) any article of clothing issued by or on behalf of any such authority or institution and legibly marked as being so issued or known by the licence holder to be so issued.
- (18) If any goods or articles in respect of which written or printed information shall be given by any Constable to the licence holder as having been stolen, embezzled or fraudulently obtained shall be in or thereafter come into the possession of the licence holder then the licence holder shall without unnecessary delay give information at the nearest Police Station or to a Police Officer that goods or articles answering the description of the said goods or articles were offered to him or are in his possession. The licence holder shall also state the name and address given by the person by whom the same were offered or from whom the same were received;
- (19) The licence holder shall comply with any requirements of the fire authority during the currency of this licence;
- (20) Notwithstanding any of the foregoing conditions the licence holder while engaged in dealing shall comply with any reasonable order or instruction by any Police Constable:-
 - (a) for the prevention of obstruction or annoyance to the public or to the occupiers of any premises, or
 - (b) in connection with any emergency or disturbance, and
- (21) The licence holder shall notify the Council of any material change of circumstances affecting the licence holder or any other person or company named on this licence or affecting the activity to which this licence relates. If the licence holder shall cease to act as a second hand dealer then he shall within 7 days of so ceasing notify the Council thereof and deliver his licence to the council.
- (22) The licence holder shall ensure that no vehicles or equipment associated with the licensed activity stand or are placed on the public footway.

- (23) The licence holder is prohibited from erecting directional signing or advertising associated with the licensed activity within the curtilage of the publicly maintained road.
- (24) The licence holder is prohibited from placing vehicles for sale outwith the curtilage of the premises and in no circumstances should vehicles for sale be placed on the public carriageway or footway.

NOTES

1. Dealers may use their VAT register as their register provided it is amended to include all the information required in condition 6 above or alternatively may use a computer record provided all the information required in condition 6 above is included and a separate bound print-out is maintained. If such records are used they should be readily available for inspection at all reasonable times and secondary records must be maintained if the VAT register is removed from the premises or the computer system is out of operation for any reason.
2. The defects listed in column 2 of the Inspection Report do not need to be rectified before the vehicle is displayed for sale, provided any work carried out at the time of sale is detailed in column 3 and the vehicle is sold in a roadworthy condition and complies with the requirements of the Road Traffic Acts.
3. The Council may, at any time, vary the terms of a licence on any grounds which they consider reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Council before any variation is made. The Council will consult the trade before making any significant variation to the conditions.
4. The Council may order suspension of a licence if in their opinion -
 - (a) the holder is no longer a fit and proper person to be the holder of such a licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reasons;
 - (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence;
 - (c) the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety, or
 - (d) a condition of the licence has been contravened.
5. The Council will not issue a renewal notice to the licence holder and it will be the duty of the licence holder to ensure that an application for renewal is made.
6. It is an offence to contravene any condition attached to a second-hand dealer's licence.

Civic Government (Scotland) Act 1982

SECOND HAND DEALER'S LICENCE

The above named is hereby licensed to carry on second-hand dealing in or from the premises at

in terms of Sections 24 to 27 of the Civic Government (Scotland) Act 1982, subject to the undernoted conditions:-

This licence shall expire on:

Chief Officer (Legal and Democratic)

C O N D I T I O N S

See principal licence, which is available on demand.