

CUSTOMER SERVICES – LEGAL AND REGULATORY SUPPORT

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SCHEDULE OF CONDITIONS - METAL DEALER

General Conditions

1. The Licence Holder shall exhibit their Licence, on demand, to any person. The Licence must not be altered, erased or defaced in any way and must be kept clean and legible and not lent to or used by any other persons.
2. The Licence Holder shall at all reasonable times exhibit and produce on demand to the Chief Constable or any Constable acting under them, all books, records and receipts in their possession in which the description of any articles is or should have been entered and if required, shall also produce said books, receipts, invoices etc. in court or to any duly authorised Trading Standards Officer.
3. An authorised officer of the Licensing Authority, or a Police Constable shall be permitted free access to inspect the premises in pursuance of their duties at any reasonable time or inspect any vehicles on the premises used or to be used for an activity in relation to which a Licence is in force or has been applied for in terms of the Civic Government (Scotland) Act 1982.
4. If any written or printed information regarding goods or articles is given by any Constable to the Licence Holder as having been stolen, embezzled or fraudulently obtained, should they thereafter come into the possession of the Licence Holder, they must inform the police forthwith. The Licence Holder must also state the name and address given by the person from whom the same were received, and assist the police with any description of the offeror.

Records and Payment

5. The Licence Holder shall keep records in relation to his business detailing the information specified in the Civic Government (Scotland) Act 1982, in particular, but without prejudice to that generality, Section 30 thereof, giving the necessary information on the acquisition and disposal of metal. The record must be retained by the Licence Holder for at least 2 years.

Disposal

6. The Licence Holder must not dispose of metal to a person who is or appears to be under the age of 16 or acquire metal from such a person even if that person is acting on behalf of someone else.
7. The Licence Holder shall not dispose of or process any metal acquired in the course of business until the expiry of a period of forty eight hours (excluding any time on Saturdays or Sundays) after its acquisition.

Statutory Obligations

8. The Licence Holder shall comply with all the statutory obligations incumbent in relation to the activity carried on and without prejudice to that generality shall comply with all legal requirements, conditions and obligations imposed by the Health and Safety at Work etc. Act 1974, the Environmental Protection Act 1990, the Noise and Statutory Nuisance Act 1993, the Clean Air Act 1993, and any subsequent amendments. In particular the Licence Holder:
 - (a) shall not create dense or dark smoke by burning tyres, cables etc.;
 - (b) shall keep their premises in a reasonably tidy condition ensuring that entrances and exits are kept clear and shall have regard for the health and safety of any employee and all members of the public;
 - (c) shall store the metal acquired and held in an appropriate compound area or part of the premises all to the satisfaction of the licensing authority and shall comply with any obligations or conditions regarding screening, landscaping or similar works imposed by the licensing authority;
 - (d) shall do such things as are reasonably necessary to prevent children or any members of the public from gaining unauthorised access to any site under the control of the metal dealer used for the purposes for which the licence is held;
 - (e) shall ensure that any vehicle to be used in connection with the business is roadworthy, licensed and insured in accordance with the Road Traffic Acts.
9. The Licence Holder shall comply in all respects and at all times with the requirements of Sections 33A-33E of the Civic Government (Scotland) Act 1982 and the requirements of the Civic Government (Scotland) Act 1982 (Metal Dealers and Itinerant Metal Dealers) (Verification of Name and Address) Regulations 2016.
10. Without prejudice to the foregoing, the metal dealer shall comply with all statutory obligations, and with all conditions, requirements and orders imposed by the licensing authority. The grant of a licence shall not supersede, replace or relieve the metal dealer of his obligations to comply with other statutory and common law obligations distinct from the relevant licensing provisions of the Civic Government (Scotland) Act 1982.

Change of Circumstances

11. The Licence Holder, shall within seven working days, notify the Licensing Authority of any change of circumstances (i.e. change of address; medical conditions; criminal convictions; no longer operating as a metal dealer etc.). Any Licence Holder in doubt as to what constitutes a change of circumstances should contact the office of Head of Legal and Regulatory Support for guidance.