



CUSTOMER SERVICES – LEGAL AND REGULATORY SUPPORT

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

SCHEDULE OF CONDITIONS - SECOND HAND MOTOR DEALER

Register of Motor Vehicles

1. The Licence holder shall keep or cause to be kept a Register of all motor vehicles bought and sold.
2. The Register must be in the form of a properly bound book with consecutively numbered pages or in other form approved by the Council and each vehicle purchased by the Licence holder must be numbered.
3. The Register must include the following details in a style approved by the Council:-
 - Date of purchase;
 - Purchase price;
 - Colour;
 - Make and model of vehicle;
 - Date of first registration;
 - Engine and chassis numbers;
 - Registration number;
 - Name and address of seller;
 - Name and address of any previous owner shown on the registration document;
 - Odometer reading both on purchase and on sale;
 - Date of sale;
 - Sale price; and
 - Date of most recent MOT Certificate.The premises where the vehicles are to be kept
4. Entries on the Register must be preserved for a period of not less than three years.

Code of Practice

5. The Licence holder shall adhere to the relevant sections of the Code of Practice for the Motor Industry – A Code drawn up by the Motor Agents Association, the Scottish Motor Trade Association, the Society of Motor Manufacturers and Traders in consultation with the Director General of Fair Trading. Information relating to the code of practice should be clearly displayed for customers.

Vehicles

6. The licence holder shall not dispose of any item of his/her stock in trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after he/she acquires it. This shall not apply to any article acquired by the licence holder in a public rroup and disposed of by him/her without being brought to his/her place of business. The Council may order that this provision, as set out in Section 25 of the Civic Government (Scotland) Act 1982, shall not

apply to the disposal by the dealer of any item or any specified item or class of item of items of his stock in trade or any specified part of it.

- 7 The Licence holder shall on demand produce to any Constable of Police Scotland, any vehicle which he has purchased or received and which is in his possession regarding which information has been given tending to show or to render it probable that the vehicle has been stolen, embezzled or fraudulently obtained and shall deliver any such vehicle to such Constable who shall give receipt therefor.

General Conditions

- 8 The Licence holder shall, on demand, admit to all parts of the licensed premises, at all reasonable hours, any authorised Officer of Argyll and Bute Council or Police Scotland.
- 9 The Licence holder shall store vehicles purchased in the course of his dealings only on the business premises specified in the licence or on other premises approved by the Council.
- 10 A Licence holder operating from business premises within the area of the Council shall comply with or ensure compliance with all fire precaution requirements to the satisfaction of the Firemaster of Scottish Fire and Rescue.
- 11 Notwithstanding the above or any other conditions contained herein, a Licence holder while trading, shall comply with any reasonable order or instruction given by a Constable of Police Scotland:-
 - (i) For the prevention of obstruction or annoyance to the public or to the occupiers of any premises; or
 - (ii) In connection with any emergency or disturbance.

Change of Circumstances

- 12 A Licence holder shall notify the Council of any material change or circumstances affecting him/her or any other person or company named on the licence, or affecting the activity to which the licence relates. A Licence holder who ceased to act as such for the unexpired period of the licence or whose licence has been suspended by the Council shall, within seven days, return the licence to the Head of Legal and Regulatory Support, Argyll and Bute Council, Kilmory, Lochgilphead, PA31 8RT.

Consents and legislation

- 13 A licence holder operating from premises must have planning and all other necessary consents for trading as such and adhere to all relevant legislation

Complaints

- 14 A licence holder should have a complaints procedure in place that is easy to use. Details of the complaints procedure should be clearly displayed.

Trade Sale

- 15 If the licence holder intends to sell/dispose of any vehicle to another dealer they must complete a Trade Sale of Vehicle form to be signed by both dealers or a used vehicle sales invoice endorsed "Trade Sale".