

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

METAL DEALERS

30. (1) This section applies to metal acquired by or disposed of by the holder of a metal dealer's licence in the course of his business as a metal dealer.
- (2) A metal dealer shall keep the following records, containing the particulars required by this section:-
- (a) In relation to each place occupied by him for the purposes of his business as a metal dealer -
- (i) records of all metal to which this section applies received at that place;
- (ii) records of all such metal processed at or despatched or otherwise disposed of from that place.
- (b) Records of all metal to which this section applies, received or processed at or despatched or otherwise disposed of from any place other than a place occupied by him for the purpose of his business as a metal dealer; and separate records shall be kept of the particulars with respect to metal received and metal despatched, processed or otherwise disposed of, respectively.
- (3) A metal dealer shall keep records of the purposes of this section either by:-
- (a) keeping at each place occupied by him for the purposes of his business as a metal dealer, books with serially numbered pages recording all metals to which this section applies - received or processed at or despatched or otherwise disposed of from that place; or
- (b) the use of a device for storing and processing information;

BUT

- (i) where he keeps books under paragraph (3)(a) above, he shall not have in use at any one place and at any one time more than one book for recording particulars with respect to metal received at that place and more than one book for recording particulars with respect to metal processed at, or despatched or otherwise disposed of from that place: and
- (ii) where he uses a device for storing and processing information under paragraph (3)(b) above he shall, by means of that device or otherwise, keep particulars of all modifications made in the records kept by that device.
- (4) Records kept under sub-section (3) above shall be retained by the dealer for a period of two years from the day on which the last entry was made in it.
- (5) The said particulars, in the case of metal received or acquired, are:-
- (a) the description and weight of the metal;
- (b) the date and time of the receipt of the metal;

- (c) if the metal is received or acquired from another person, the name and address of that person;
 - (d) the price, if any, payable in respect of the receipt or acquisition of the metal, if that price has been ascertained at the time when the entry in the record relating to that metal is to be made;
 - (e) where paragraph (5)(d) above does not apply, the value of the metal at the time when the entry is to be made as estimated by the dealer;
 - (f) in the case of the metal delivered at the place in question by means of a mechanically propelled vehicle bearing a registration mark (whether the vehicle belongs to the dealer or not), the registration mark borne by the vehicle.
- (6) The said particulars, in the case of the metal despatched, processed or otherwise disposed of are:-
- (a) the description and weight of the metal immediately before it despatch, processing or other disposal;
 - (b) the date of despatch, processing or other disposal of the metal and, in the case of processing, the process applied;
 - (c) in the case of metal disposed of on sale or exchange, the name and address of the person to whom the metal is sold or with whom it is exchanged, and the consideration for which it is sold or exchanged.
 - (d) in the case of metal disposed of otherwise than on sale or exchange, its value immediately before its disposal as estimated by the dealer.
- (7) Particulars required under this section to be recorded in respect of metal received or otherwise acquired shall be so recorded immediately after the receipt or acquisition; and particulars so required to be recorded in respect of metal disposed of shall be so recorded immediately after the disposal.
- (8) Any person who fails to comply with any requirement imposed upon him by this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.
31. (1) Subject to sub-section 31(2) below and section 35 of this act, no metal dealer shall dispose of or process any metal acquired by him in the course of business until the expiry of a period of 48 hours (excluding any time on Saturdays or Sundays) after its acquisition.
- (2) A licensing authority may, on granting a metal dealer's licence or at any time thereafter, on application by the dealer and after consultation with the Chief Constable, order that sub-section 31(1) shall not apply to such classes of metal as may be specified in the order.
- (3) An order made under sub-section 31(2) above may:-
- (a) be made subject to such conditions as the licensing authority may think fit;

- (b) relate to metal still to be acquired by the metal dealer to whom the order relates;
 - (c) be varied or revoked by the licensing authority.
- (4) The holder of a metal dealer's licence may appeal to the Sheriff against a decision of the licensing authority under this section and paragraphs 18(3) to (9) and (11) and (12) of Schedule 1 to this Act shall, with any necessary modifications, apply to an appeal under this sub-section.
- (5) Any person who fails to comply with sub-section 31(1) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.
- 32. (1) A licence to be known as an (itinerant metal dealer's licence) shall be required for carrying on business as an itinerant dealer.
- (2) An itinerant metal dealer's licence shall have effect so as to permit the licence holder to carry on business as an itinerant metal dealer anywhere in Scotland.
- 33. (1) An itinerant metal dealer shall obtain from each person who buys metal from him a receipt showing the weight and description of the metal, the name and address of the buyer and the price paid for the metal.
- (2) Any such receipt shall be kept by the dealer for a period of 6 months from its date of issue.
- (3) An itinerant metal dealer shall keep a record in respect of each sale to him showing the weight and description of the metal, the name and address of the seller and the price paid for the metal.
- (4) Any such record shall be kept by the dealer for a period of 6 months from the date of the sale to which it relates.
- (5) Any person who fails to comply with any summary provision of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.

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