

**ANGUS COUNCIL
CIVIC LICENSING COMMITTEE**

NOTES FOR KNIFE DEALERS

This information is for guidance only and is not intended as either an authoritative or comprehensive guide

Under the Custodial Sentences and Weapons (Scotland) Act 2007 (the Act) a **knife dealer's licence** is required by businesses dealing in **non-domestic** knives and other items namely:-

- knives (other than folding pocket knives with blades of no more than 3.5 inches (8.91 centimetres in length))
- daggers (other than kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 centimetres in length))
- swords
- any other article which has a blade or which is sharply pointed **and** which is made or adapted for use for causing injury to the person

Who needs a Licence?

A dealer will require a licence if in the course of a business they **sell, hire, offer for sale or hire, expose for sale or hire, lend or give** items of a sort mentioned above to others who are **not** acting in the course of a business or profession.

Employees and others who sell such items on behalf of another are not treated as "selling" in this context and may not therefore require a licence.

Distributors of such items will require a knife dealer's licence where the order for the item was taken at premises outside Scotland and the item is being distributed from premises which are in Scotland.

Note that where a person is teaching the sport of fencing then the hiring, offering or exposing for hire, lending or giving of a fencing sword (i.e. a foil, épée or sabre) by the tutor to the pupil does not require a licence.

How to apply

Applications should be made to the local authority for the area in which the dealer's or distributor's premises are situated. The application should be made on the appropriate form.

The completed and signed form should be submitted, together with payment of the relevant fee to the Service Leader – Legal & Democratic, Angus Council, Angus House, Sylvie Way, Orchardbank Business Park, Forfar, DD8 1AN or to a local ACCESS Office.

Cheques should be made payable to Angus Council.

The lodging fee of £286 for a new grant or the lodging fee of £237 for a renewal should be submitted with the application form and please note that this fee is not refundable.

Notification and publication by the Council

When Angus Council receives the application it shall publish a notice about it in a local newspaper so that members of the public may have an opportunity to express their views.

The Council will also notify Police Scotland, providing a copy of the application form. The police will check on any convictions/offences of the applicant and their suitability to hold a licence. Angus Council's Regulatory, Protective & Preventative Services will be informed of the application and Angus Council's Revenues and Benefits Service will be consulted to check whether the applicant has any outstanding debts due to the Council. Where the application relates to premises, Scottish Fire & Rescue Service will also be consulted and provided with a copy of the application.

Publication by the Applicant

If the 'knife dealing' is to be carried on wholly or mainly in premises, for example a shop, the applicant is required to display a "NOTICE FOR DISPLAY" for 21 days giving intimation of the application. The notice must be displayed at or near the premises so that it may be conveniently read and must state:-

- (a) that application has been made for a **knife dealer's** licence;
- (b) the details of the applicant, including full name(s) and address(s) (as shown in parts 1, 2 and 4, 5 of the application form; and
- (c) where the applicant is an individual who will not be carrying on the day to- day management of the knife dealing or where the applicant is a company or other non-natural person the full name and address of any employee or agent who is to carry on the day to day management of the activity (as shown in part 6 of the application form) and the address of the premises in or from which the "licence" activity is to be carried on.

Where the applicant is unable to display the notice at or near the premises because of a lack of access or other rights, the applicant must take reasonable steps to acquire those rights. If, after attempting to acquire such rights, it is still not possible for the applicant to give the required public notification, this should be declared in the

appropriate section of the application form. The steps taken in attempting to acquire the rights should also be specified on the form.

Certification by the Applicant

Once the applicant has displayed the Notice for Display at the premises for a period of 21 days, they are required to certify that they have done so. This is done by completing a “Certificate of Compliance” which is returned to the Council.

Objections

Police Scotland, Scottish Fire & Rescue, Angus Council’s Regulatory, Protective & Prevention Service and also members of the public may make written objections or representations to the Council within four weeks of the start of the period of display of the notice or advert, or from receiving written notification of the application.

Any objection or representation which is properly made and received within the appropriate timescale will be copied to the applicant who will be given an opportunity to express views on it.

The Civic Licensing Committee will usually consider the application, along with objections and representations which have been properly received, at one of its regular meetings.

Conditions attaching to a Licence

Knife dealers’ licences are subject to the mandatory conditions set out in the legislation and the local authority may attach additional conditions. Failure to comply with licence conditions is a criminal offence.

Where the licensee also holds a second-hand dealer’s licence, the second-hand dealers licence conditions may require to be altered where these are inconsistent with the conditions imposed by the knife dealers licence.

Duration of Licence

A Knife Dealer’s Licence issued by Angus Council will last for one year, unless it is forfeited, suspended or surrendered earlier.

Variations

Where the licence relates to premises the licence holder must not make any material changes to those premises, without the prior consent of the Council.

A material change of circumstances affecting the licence holder or the activity covered by the licence must be intimated to the Council. This should be done as soon as reasonably practicable after the change has taken place.

If you have any queries email LAWLicensing@angus.gov.uk.