



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Licensing and regulation of second-hand dealers

24 Second-hand dealers' licences

- (1) Subject to subsection (3) below, a licence, to be known as a "second-hand dealer's licence", shall be required for carrying on business as a second-hand dealer.
- (2) In this section and in sections 25 to 27 and 36 of this Act "second-hand dealer" means a person carrying on a business as a dealer in second-hand goods or articles of any description.
- (3) A second-hand dealer's licence shall not be required for carrying on—
 - (a) the business of a pawnbroker (that is to say, a person who, under a regulated agreement under the Consumer Credit Act 1974, takes an article in pawn);
 - (b) a business as a wholesale dealer purchasing exclusively from second-hand dealers licensed under this Act;
 - (c) a business which is charitable for the purposes of the Income Tax Acts;
 - (d) a business as a dealer in second-hand goods or articles incidentally to another business not being that of a dealer in such goods or articles;
 - (e) a business either of financing the acquisition of goods by means of hire-purchase agreements, conditional sale agreements or credit sale agreements (as denned in section 189(1) of the Consumer Credit Act 1974) or of financing the use of goods by means of hiring agreements.
- (4) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority may, after consultation with the chief constable, attach conditions to a second-hand dealer's licence requiring the keeping of records in relation to the dealer's stock-in-trade; and conditions so attached may, without prejudice to the authority's power under this subsection, include provision as to—

Status: This is the original version (as it was originally enacted).

- (a) the information to be included in these records;
 - (b) their form;
 - (c) the premises where they are to be kept; and
 - (d) the period for which they are to be kept.
- (5) A second-hand dealer acquiring a second-hand motor vehicle for the purpose of its re-sale in the course of his business shall keep a record of the mileage reading on the vehicle's odometer when he acquired it.
- (6) Any person who contravenes subsection (5) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding £200.
- (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he used all due diligence to prevent the commission of the offence.