



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Licensing and regulation of metal dealers

[^{F1}33A Acceptable forms of payment for metal

- (1) A metal dealer or an itinerant metal dealer may pay for metal only by a method of payment specified in subsection (2).
- (2) The methods of payment are—
 - (a) by means of a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
 - (b) by electronic transfer of funds to a bank or building society account in the name of the payee.
- (3) If a metal dealer or an itinerant metal dealer pays for metal otherwise than in accordance with subsection (1), the dealer and each of the persons listed in subsection (4) (if any) commit an offence.
- (4) The persons are—
 - (a) in a case of payment being made by a metal dealer at a place of business of the dealer, the person with day to day management of the place,
 - (b) in any case, any person who, acting on behalf of the metal dealer or the itinerant metal dealer, makes the payment.
- (5) It is a defence for a metal dealer, an itinerant metal dealer or a person described in subsection (4)(a) who is charged with an offence under this section to prove that the dealer or, as the case may be, person—
 - (a) made arrangements to ensure that the payment was to be made only in accordance with subsection (1), and

Changes to legislation: Civic Government (Scotland) Act 1982, Section 33A is up to date with all changes known to be in force on or before 10 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person who commits an offence under this section is liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.
- (7) The Scottish Ministers may by regulations—
 - (a) amend subsection (2) so as to add, amend or remove methods of payment, and
 - (b) make such consequential modification of section 33B or 33C(3) as they consider appropriate.
- (8) Regulations under subsection (7) are subject to the affirmative procedure.
- (9) In this section, “place of business” means a place of business operated by a metal dealer in the ordinary course of that dealer's business as a metal dealer.]

Textual Amendments

- F1** S. 33A - S. 33B inserted (1.9.2016) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), ss. 69, 88(2); S.S.I. 2016/85, art. 2, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 22(1)(c) repealed by [2015 asp 10 s. 65\(3\)](#)
- s. 49(9) added by [2010 asp 13 s. 200\(1\)\(b\)](#)