



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *Licensing and regulation of metal dealers*

#### [<sup>F1</sup>33C Requirement to keep records

- (1) This section applies where a metal dealer or an itinerant metal dealer (“the dealer”), in the course of the dealer's business—
  - (a) acquires any metal (whether or not for value), or
  - (b) processes or disposes of any metal (by any means).
- (2) In respect of any metal acquired, the dealer must record the following information—
  - (a) the description and weight of the metal,
  - (b) the date and time of the acquisition of the metal,
  - (c) if the metal is acquired from another person—
    - (i) the name and address of the person,
    - (ii) the means by which the person's name and address was verified,
  - (d) the price, if any, payable in respect of the 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) the method of payment of the price (if applicable),
  - (f) where no price is payable for the metal, the value of the metal at the time when the entry is to be made as estimated by the dealer,
  - (g) in the case of metal delivered to the dealer by means of a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) borne by the vehicle.
- (3) Where the dealer has paid for metal, the dealer must keep a copy of—
  - (a) the cheque, or

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- (b) the document evidencing the electronic transfer of funds.
- (4) In respect of any metal processed or disposed of, the dealer must record the following information—
  - (a) the description and weight of the metal immediately before its processing or disposal,
  - (b) in the case of metal which is processed, the process applied,
  - (c) in the case of metal disposed of by sale or exchange—
    - (i) the consideration for which it is sold or exchanged,
    - (ii) the name and address of the person to whom the metal is sold or with whom it is exchanged, and
    - (iii) the means by which the person's name and address was verified,
  - (d) in the case of metal disposed of otherwise than by sale or exchange, its value immediately before its disposal as estimated by the dealer.
- (5) The dealer must—
  - (a) keep separate records in relation to—
    - (i) metal acquired, and
    - (ii) metal processed or disposed of,
  - (b) record the information immediately after the metal is acquired, processed or disposed of,
  - (c) keep a copy of any document produced by a person to verify that person's name or address, and
  - (d) retain information recorded or documents kept under this section for a period of not less than 3 years beginning with the date on which the information was recorded or document obtained.
- (6) The Scottish Ministers may by regulations—
  - (a) specify the means by which a person's name and address may be verified for the purposes of this section,
  - (b) require further information to be recorded about any metal acquired, processed or disposed of by metal dealers or itinerant metal dealers.
- (7) Regulations under subsection (6)—
  - (a) may make different provision for different purposes, and
  - (b) are subject to the negative procedure.]

#### Textual Amendments

- F1** Ss. 33C-33E inserted (1.12.2015 for the insertion of s. 33C for specified purposes) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), **ss. 70(3)**, 88(2); S.S.I. 2015/382, art. 2, sch.

**Changes to legislation:**

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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\(1\)\(b\)](#)