



Civic Government (Scotland) Act 1982

1982 CHAPTER 45

PART II

LICENSING AND REGULATION—PARTICULAR ACTIVITIES

Licensing and regulation of metal dealers

37 Interpretation of sections 28 to 36.

(1) In sections 28 to 36 of this Act—

[^{F1}“itinerant metal dealer” means a person who—

- (a) carries on a business which consists wholly or substantially of buying or selling for scrap—
 - (i) metal articles that are old, broken, worn out or defaced, or
 - (ii) partly manufactured articles that are made wholly or partly from metal,
- (b) collects articles of the kind described in paragraph (a)(i) and (ii) by means of visits from place to place, and
- (c) disposes of such articles without causing them to be kept in a metal store or other premises (including by disposing or giving custody of the articles to a person who keeps a metal store).]

“metal” means any metal (including any precious metal) and any alloy of any metals, whether old or new and includes manufactured articles, whether old or new, made wholly or partly of metal, of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;

“metal dealer” means a person carrying on business in terms of subsection (2) below but does not include an itinerant metal dealer within the meaning of this subsection;

“metal store” means a place where metal is received or kept in the course of a metal dealer’s business;

“processing”, in relation to metal, includes melting down and any process whereby the composition or form of the metal or of any article which is made

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of the metal is altered so as to make it substantially less identifiable than before the process, and “process” and “processed” shall be construed accordingly.

- (2) ^{F2}For the purposes of sections 28 to 36, a person carries on business as a metal dealer if the person—
- (a) carries on a business which consists wholly or substantially of buying or selling for scrap—
 - (i) metal articles that are old, broken, worn out or defaced, or
 - (ii) partly manufactured articles that are made wholly or partly from metal, or
 - (b) carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).
- (3) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists wholly or substantially of—
- (a) recovering salvageable parts from motor vehicles for re-use or sale and selling or disposing of the rest of the vehicle for scrap,
 - (b) buying significantly damaged motor vehicles and subsequently repairing and reselling them, or
 - (c) buying or selling motor vehicles which are to be the subject (whether immediately or upon a subsequent resale) of any of the activities mentioned in paragraphs (a) and (b).]

Textual Amendments

- F1** Words in s. 37(1) substituted (16.3.2016 for specified purposes) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), ss. **72(2)**, 88(2); S.S.I. 2016/85, art. 2, sch. (with arts. 4, 6)
- F2** S. 37(2)(3) substituted for s. 37(2) (16.3.2016 for specified purposes) by [Air Weapons and Licensing \(Scotland\) Act 2015 \(asp 10\)](#), ss. **72(3)**, 88(2); S.S.I. 2016/85, art. 2, sch. (with arts. 4, 6)

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