

Metal Dealers Licence

Under the Civic Government (Scotland) Act 1982 metal dealers require to be licensed.

From the 16 March 2016 “metal dealer” means:

1. A person who carries on a business which consists wholly or substantially of buying or selling scrap:-
 - metal articles that are old, broken, worn out or defaced; or
 - partly manufactured articles that are made wholly or partly from metal ; or

2. A person who carries on business as a “motor salvage operator” (so far as that does not fall within the kind of business referred to at 1 above). This applies to you if you carry on a business which consists wholly or substantially of:-
 - recovering salvageable parts from motor vehicles for re-use or sale and selling or disposing of the rest of the vehicle for scrap;
 - buying significantly damaged motor vehicles and subsequently repairing and reselling them; or
 - buying or selling motor vehicles which are to be the subject (whether immediately or upon a subsequent resale) of either of these activities.

How to Apply

You can apply for a metal dealer’s licence using the application form available in the related documents section.

Please note the legal requirement for:-

- (1) A site notice, completed correctly, to be displayed at or near the premises for a period of 21 days from and including the date on which you make your application.
and
- (2) A certificate of compliance, confirming that a site notice has been displayed correctly, to be provided to the Council after that. Please refer to the application form and guidance notes for further information.

Itinerant Metal Dealers Licence

Under the Civic Government (Scotland) Act 1982 itinerant metal dealers require to be licensed.

From **16 March 2016** “itinerant metal dealer” means:-

A person who carries on a business which consists wholly or substantially of buying or selling for scrap:-

- metal articles that are old, broken, worn out or defaced; or
- partly manufactured articles that are made wholly or partly from metal;
- collects articles of either of these kinds by means of visits from place to place; and
- disposes of such articles without causing them to be kept in a metal store or other premises (including disposing or giving custody of the articles to a person who keeps a metal store).

If you trade in a way which falls under the new definition of metal dealer or itinerant metal dealer

If you do not currently hold a metal dealer's licence or itinerant metal dealer's licence but deal in metal in a way which falls under either of these definitions, you should apply to the Council for a metal dealer's licence or itinerant metal dealers licence as soon as possible and by no later than 1 June 2016.

If you lodge a complete application on or by the 1 June 2016 it will be lawful for you to continue to deal in metal, before and after the 1 September 2016, while your application remains pending. If your application is lodged after the 1 June 2016, from 1 September 2016 it will be an offence for you to deal in metal without a licence, liable on summary conviction to a fine not exceeding £20,000 or imprisonment of no longer than 6 months or both, without a metal dealer's or itinerant metal dealer's licence. By the law the Council has a period of 6 months in which to determine an application for a metal dealer's licence or itinerant metal dealer's licence.

Changes to the licensing of metal dealers under the Air Weapons and Licensing (Scotland) Act 2015

Under the Civic Government (Scotland) Act 1982 metal dealers and itinerant dealers require to be licensed. Under the Air Weapons and Licensing (Scotland) Act 2015 the Scottish Government has made important changes to the licensing of metal dealers.

These changes will affect you if :-

- you hold a licence as a metal dealer or itinerant metal dealer, in which case, from 1 September 2016, you will be subject to new legal requirements in respect of acceptable forms of payment for metal, record keeping and retention of records.
- you hold an exemption warrant to deal in metal in which case, on 1 September 2016, your exemption warrant will legally be withdrawn and, unless you have applied to the Council for a metal dealer's licence on or before the 1 June 2016, it will be an offence to deal in metal, liable on summary conviction to a fine not exceeding £20,000 or imprisonment of no longer than 6 months or both, without a metal dealer's licence (see further below); or
- the way in which you deal in metal falls under new legal definition of metal dealer or itinerant metal dealer in which case, unless you have applied to the Council for a metal dealer's licence on or before the 1 June 2016, from 1 September 2016, it will be an offence to deal in metal, liable on summary conviction to a fine not exceeding £20,000 or imprisonment of no longer than 6 months or both, without a metal dealer's licence or itinerant metal dealer's licence.

The Licensing Team can provide guidance and information regarding the Council's application forms and the application process but cannot provide legal advice. If you are in any doubt as to your licensing requirements or how these changes will affect you, you should seek legal advice.

If you hold an exemption warrant to deal in metal

From 1 September 2016, exemption and temporary exemption warrants will no longer be available to certain metal dealers, and current exemption warrants and temporary exemption warrants will legally be withdrawn.

If you hold an exemption warrant and wish to continue to deal in metal after 1 September 2016, you should apply to the Council for a metal dealer's licence as soon as possible and by no later than 1 June 2016.

The Council's application form is available in the related documents section of this page. If you lodge a complete application on or by 1 June 2016 it will be lawful for you to continue to deal in metal, before and after 1 September while your application remains pending. If your application is lodged after 1 June, from 1 September 2016 it will be an offence for you to deal in metal without a licence, liable on summary conviction to a fine not exceeding £20,000 or imprisonment of no longer than 6 months or both, without a metal dealer's licence.