

Civic Government (Scotland) Act 1982

Section 24 of and Schedule 1 to the Civic Government (Scotland) Act 1982

Second-Hand Motor Vehicle Dealer's Licence

Conditions

These conditions apply to the Second-Hand Motor Vehicle Dealer's Licence granted to you by Aberdeenshire Council (Hereinafter referred to as "the Council") and must be observed at all times.

1. The licence is valid to the date shown on the licence, which must be displayed clearly within the premises so that it can be seen by members of the public.
2. The licence holder shall keep or cause to be kept a register of all motor vehicles bought and sold.
3. The register must be in the form of a properly bound book with consecutively numbered pages or in another form approved by the Council and each vehicle purchased by the licence holder must be numbered.
4. The register must include the following details in a style approved by the Council
 - Date of Purchase
 - Purchase Price
 - Colour
 - Make and Model of Vehicle
 - Date of First Registration
 - Engine and Chassis Numbers
 - Registration Number
 - Name and Address of Seller
 - Name and Address of Any Previous Owner Shown on the Registration Document
 - Odometer Reading both on Purchase and on Sale
 - Date of Sale
 - Sale price
 - Date of most recent MOT Certificate
 - Method of Sale, e.g. cash, hire-purchase, conditional sale
5. Records must be preserved for at least three years.
6. The licence holder shall keep the records referred to in condition 4 above available for inspection at any reasonable time by any authorised officer of Aberdeenshire Council's Consumer Protection, Grampian Police, or the Council.
7. The licence holder shall store vehicles purchased in the course of his dealing only on the business premises specified in the licence or on other premises approved by the Council.

8. A licence holder operating from business premises within the area of the Council is required to carry out a fire risk assessment to the satisfaction of the Chief Fire officer of Grampian Fire and Rescue Service.
9. Notwithstanding the above, or any other conditions annexed, a licence holder while trading shall comply with any reasonable order or instruction given by a Constable of Grampian Police -
 - a) For the prevention of obstruction or annoyance to the public or to the occupiers of any premises; or
 - b) In connection with any emergency or disturbance.
10. A licence holder shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which the licence relates. A licence holder who ceases to act as such for the unexpired period of the licence or whose licence has been suspended by the Council shall, within seven days, return the licence to the Head of Law and Administration (North/Central/South) of the Council.

Notes

1. Dealers may use their VAT register as their register provided it is amended to include all the information required in condition 4 above or alternatively may use a computer record provided all the information required in condition 4 above is included and a separate bound print out is maintained. If such records are used they should be readily available for inspection at all reasonable times and secondary records must be maintained if the VAT register is removed from the premises or the computer system is out of operation for any reason.
2. The Council may, at any time, vary the terms of a licence on any ground which they consider reasonable. Notice will be given to the licence holder at least 7 days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Council before any variation is made. The Council will consult the trade before making any significant variation to the conditions.
3. The Council may order suspension of a licence if in their opinion –
 - a) The holder is no longer a fit and proper person to be the holder of such a licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reason;
 - b) The activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence;
 - c) The carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; or
 - d) A condition of the licence has been contravened.

4. Suspension of a licence will only be considered in the most serious cases of infringement of the conditions or for any of the other reasons above. Before suspending a licence, the Council must hold a hearing and the dealer has the right to state his case to the Council and may also appeal to the Sheriff against the decision.
5. The Council will issue a renewal notice to the last known address of the licence holder but it will be the duty of the licence holder to ensure that an application for renewal is made whether or not a renewal notice has been received.
6. It is an offence to contravene any condition attached to a Second Hand Dealer's licence.