

Standard Conditions for a Second Hand Dealer Licence

1. The licence holder is required to have a permanent place of business within the South Ayrshire Council Area.
2. The holder of a second-hand dealer's licence shall keep, in relation to each place occupied by him/her for the purposes of his/her business as a second-hand dealer, records of all second-hand goods received, purchased or otherwise acquired at that place in the course of his/her business as a second-hand dealer.
3. The holder of a second-hand dealer's licence shall keep, in relation to each place occupied by him/her for the purposes of his/her business as a second-hand dealer, records of all second-hand goods sold, despatched or otherwise disposed of from that place in the course of his/her business as a second-hand dealer.
4. The holder of a second-hand dealer's licence shall keep records of all second-hand goods acquired by him/her or sold, despatched or otherwise disposed of by him/her at any place other than a place occupied by him/her for the purposes of his/her business as a second-hand dealer.
5. The licence holder shall keep separate records of the particulars in respect of second-hand goods received or acquired and second-hand goods sold, despatched or otherwise disposed of, respectively.
6. The records required, in terms of these conditions, shall be kept by the licence holder at each place occupied by him/her for the purposes of his/her business as a second-hand dealer either by -
 - (a) books with serially numbered pages recording all second-hand goods acquired or received and sold, despatched or otherwise disposed of in the course of his/her business as a second-hand dealer.
 - (b) the use of a device for the storing and processing of information recording all second-hand goods acquired or received and sold, despatched or otherwise disposed of in the course of his/her business as a second-hand dealer.
7. Where the licence holder keeps records in accordance with Condition 6(a) above, he/she shall not have in use at any one place and at any one time more than one book for recording particulars with respect to second-hand goods received at that place and more than one book for recording particulars with respect to second-hand goods sold, despatched or otherwise disposed of from that place.
8. Where the licence holder keeps records in accordance with Condition 6(b) above, he/she shall be required by means of that device or otherwise to keep particulars of all modifications made in the records kept by the device. The device shall be capable of producing printed records of all records stored therein and processed thereby and modifications made thereto.
9. The records kept in respect of these conditions shall be retained by a licensed second-hand dealer for a period of two years from the date on which the last entry was made.
10. The particulars in respect of goods received by the licence holder in the course of his/her business as a second-hand dealer are:-
 - (a) the description of the article.
 - (b) the date of receipt of the article.

- (c) if the article is received or acquired from another person, the name and address of that person.
 - (d) the price, if any, payable in respect of the receipt or acquisition of the article, if that price has been ascertained at the time when the entry in the record relating to that article is to be made.
 - (e) where the foregoing paragraph does not apply the value of the article at the time when the entry is to be made as estimated by the second-hand dealer.
11. In the case of articles sold, despatched or otherwise disposed of:-
- (a) the date of sale, despatch or other disposal.
 - (b) in the case of an article disposed of on sale or exchange, the name and address of the person to whom the article is sold or with whom it is exchanged and the consideration for which it is sold or exchanged.
12. The licence holder shall, if the article is a second hand motor vehicle acquired for the purpose of its resale in the course of business:-
- (i) keep a record relating to the purchase and resale of the motor vehicle and such records shall include:-
 - (a) the date of the purchase of the vehicle; and its odometer reading at date of purchase.
 - (b) the date of first registration, the colour, make and model of the vehicle;
 - (c) the registered number of the vehicle and the engine and chassis number;
 - (d) a purchase invoice signed by both parties containing the odometer reading as displayed by the vehicle at purchase and (where appropriate) the true odometer reading if known;
 - a sales invoice signed by both parties containing the odometer reading as displayed by the vehicle at sale and (where appropriate) the true odometer reading if known;
 - (e) the name and address of the seller;
 - (f) a note of the two previous keepers (if appropriate) of the vehicle as set out in the vehicle registration document;
 - (g) the date of resale and
 - (h) the name and address of the purchaser.
 - (ii) immediately after the acquisition of the vehicle record the particulars required under conditions (a) to (f) inclusive above and immediately after the sale of the vehicle the particulars required under conditions (g) and (h) above.
 - (iii) adhere to the relevant sections of the Code of Practice for the Motor Industry - A Code drawn up by the Motor Agent's Association, the Scottish Motor Trade Association and the Society of Motor Manufacturers and Traders in consultation with the Director General of Fair Trading.

13. The particulars requiring to be recorded in respect of an article received or otherwise acquired shall be so recorded immediately after the receipt or acquisition, and particulars so required to be recorded in respect of an article disposed of shall be so recorded immediately after its disposal.
14. The licence holder shall not, without the consent of South Ayrshire Council, dispose of or process any item acquired by him/her in the course of business until the expiry of a period of 48 hours (excluding Saturdays and Sundays) after its acquisition.
15. The Licenceholder shall ensure that all vehicles displayed for sale are parked within the authorised site and not on the public highway.
16. The licence holder shall, on demand, admit to the premises any authorised officer of South Ayrshire Council and produce to such authorised officer, and allow to be examined, all records kept by the licence holder relative to the operation of his/her business as a second-hand dealer.
17. The licence holder shall not, without the consent of South Ayrshire Council, deal in any goods other than those specified in his/her form of application for this licence.
18. Where there is a material change of circumstances affecting the licence holder, or the activity to which the licence relates, the licence holder must notify South Ayrshire Council of the change as soon as reasonably practicable after it has taken place.
19. The holder of a second hand dealer's licence must display/have available for inspection in the premises this licence document.
20. The Licenceholder should be aware that the premises may be covered by the Fire (Scotland) Act 2005, which requires that the employer or other relevant person undertake a fire risk assessment. Further guidance is available in the document "Fire Safety Guidance Booklet" which is published by the Scottish Executive. ([www. Infoscotland.com/firelaw](http://www.infoscotland.com/firelaw)).
21. The Licenceholder shall, within seven days of ceasing to operate as a second hand dealer from the above-named premises, deliver this licence document to the Head of Legal and Administration, Town Buildings, 29 New Bridge Street, AYR, KA7 1JX