



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *Licensing and regulation of second-hand dealers*

#### **24 Second-hand dealers' licences.**

- (1) Subject to subsection (3) below, a licence, to be known as a “second-hand dealer’s licence”, shall be required for carrying on business as a second-hand dealer.
- (2) In this section and in sections 25 to 27 and 36 of this Act “second-hand dealer” means a person carrying on a business as a dealer in second-hand goods or articles of any description.
- (3) A second-hand dealer’s licence shall not be required for carrying on—
  - (a) the business of a pawnbroker (that is to say, a person who, under a regulated agreement under the <sup>M1</sup>Consumer Credit Act 1974, takes an article in pawn);
  - (b) a business as a wholesale dealer purchasing exclusively from second-hand dealers licensed under this Act;
  - [<sup>F1</sup>(c) the business of a charity (that is to say, a body which is entered in the Scottish Charity Register);]
  - (d) a business as a dealer in second-hand goods or articles incidentally to another business not being that of a dealer in such goods or articles;
  - (e) a business either of financing the acquisition of goods by means of hire-purchase agreements, conditional sale agreements or credit sale agreements (as defined in section 189(1) of the <sup>M2</sup>Consumer Credit Act 1974) or of financing the use of goods by means of hiring agreements.
- (4) Without prejudice to paragraph 5 of Schedule 1 to this Act, a licensing authority may, after consultation with the chief constable, attach conditions to a second-hand dealer’s licence requiring the keeping of records in relation to the dealer’s stock-in-trade; and

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conditions so attached may, without prejudice to the authority’s power under this subsection, include provision as to—

- (a) the information to be included in these records;
  - (b) their form;
  - (c) the premises where they are to be kept; and
  - (d) the period for which they are to be kept.
- (5) A second-hand dealer acquiring a second-hand motor vehicle for the purpose of its re-sale in the course of his business shall keep a record of the mileage reading on the vehicle’s odometer when he acquired it.
- (6) Any person who contravenes subsection (5) above shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F2</sup>level 3 on the standard scale].
- (7) It shall be a defence for a person charged with an offence under subsection (6) above to prove that he used all due diligence to prevent the commission of the offence.

#### Textual Amendments

- F1** S. 24(3)(c) substituted (1.4.2006) by Charities and Trustee Investment (Scotland) Act 2005 (asp 10), s. 107(2), **sch. 4 para. 5(a)**; S.S.I. 2006/189, art. 2(1), sch. Pt. 1
- F2** Words substituted by virtue of Criminal Procedure (Scotland) Act 1975 (c. 21, SIF 39:1), **s. 289G**

#### Marginal Citations

- M1** 1974 c. 39.
- M2** 1974 c. 39.

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