



# Civic Government (Scotland) Act 1982

## 1982 CHAPTER 45

### PART II

#### LICENSING AND REGULATION—PARTICULAR ACTIVITIES

##### *Licensing and regulation of metal dealers*

#### **29 Metal dealers' exemption warrants.**

- (1) A licensing authority shall, on application by a metal dealer, issue an exemption warrant in relation to him if there is produced to them a certificate by the auditor of the metal dealer's business stating that, in a financial year ending in the period of 18 months immediately preceding the production to them of the certificate, the total amount received by the dealer as a principal in the ordinary course of his business in respect of metal sold or supplied by him, without any deduction being made, exceeded £100,000 or such other sum as may be substituted for that sum by order made by the Secretary of State.
- (2) An order made for the purposes of subsection (1) above shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (3) An exemption warrant shall remain in force for 3 years from the date of its issue.
- (4) A licensing authority may, on application by a metal dealer, issue a temporary exemption warrant in relation to him if they are satisfied that he has not been carrying on business as a metal dealer.
- (5) A temporary exemption warrant in relation to a metal dealer shall remain in force from the date of its issue or such later date as the licensing authority may specify—
  - (a) for a period of 18 months; or
  - (b) until (if earlier than the expiry of that period) the date of the grant to that dealer of an exemption warrant; or

*Status: Point in time view as at 06/04/2008. This version of this provision has been superseded.*

*Changes to legislation: Civic Government (Scotland) Act 1982, Section 29 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (c) if a metal dealer’s licence has been applied for by him within that period, until the date when it is granted or is deemed to have been granted or, if it is refused, until the expiry of the time within which he may lodge an appeal under paragraph 18 of Schedule 1 to this Act against that refusal or, where he has lodged such an appeal, until it has been abandoned or determined against him.
- (6) It shall be a condition of a temporary exemption warrant that the dealer to whom it relates shall acquire metal only from persons selling or otherwise disposing of it in the course of trade or business.
- (7) A licensing authority may revoke a temporary exemption warrant on the grounds that the metal dealer to whom it relates has contravened the condition specified in subsection (6) above.
- (8) An authorised officer of a licensing authority or a constable may require any person who the officer or constable has reasonable ground to believe is carrying on business as a metal dealer without having a metal dealer’s licence to produce his exemption warrant or temporary exemption warrant within a reasonable time of being required to do so; and any person who does not have a metal dealer’s licence and who, having been so required to produce his exemption warrant or temporary exemption warrant within that time, fails, without reasonable excuse, to do so shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding [<sup>F1</sup>level 1 on the standard scale].
- (9) An officer of a licensing authority or a constable who is not in uniform shall not be entitled to exercise the powers which he may exercise under subsection (8) above until he has produced his authorisation or, as the case may be, identification to the person in respect of whom they are to be exercised.
- (10) In this section—
- “auditor” means a person who is [<sup>F2</sup>eligible for appointment as a statutory auditor under Part 42 of the Companies Act 2006] ; and
- “financial year”, in relation to a metal dealer, means the financial year of his business or, if it has no financial year, the year beginning on 6th April.

#### Textual Amendments

- F1** Words substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21, SIF 39:1\)](#), **s. 289G**
- F2** Words in s. 29(10) substituted (6.4.2008) by [The Companies Act 2006 \(Consequential Amendments etc\) Order 2008 \(S.I. 2008/948\)](#), art. 2(2), **Sch. 1 para. 9** (with arts. 6, 11, 12)

**Status:**

Point in time view as at 06/04/2008. This version of this provision has been superseded.

**Changes to legislation:**

Civic Government (Scotland) Act 1982, Section 29 is up to date with all changes known to be in force on or before 10 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.