



Air Weapons and Licensing (Scotland) Act 2015

2015 asp 10

PART 3

CIVIC LICENSING

Metal dealers

70 Metal dealers and itinerant metal dealers: records

- (1) The 1982 Act is amended as follows.
- (2) Sections 30 (keeping of records) and 33 (receipts and invoices: itinerant metal dealers) are repealed.
- (3) After section 33B (as inserted by section 69 of this Act), insert—

“33C Requirement to keep records

- (1) This section applies where a metal dealer or an itinerant metal dealer (“the dealer”), in the course of the dealer's business—
 - (a) acquires any metal (whether or not for value), or
 - (b) processes or disposes of any metal (by any means).
- (2) In respect of any metal acquired, the dealer must record the following information—
 - (a) the description and weight of the metal,
 - (b) the date and time of the acquisition of the metal,
 - (c) if the metal is acquired from another person—
 - (i) the name and address of the person,
 - (ii) the means by which the person's name and address was verified,

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- (d) the price, if any, payable in respect of the acquisition of the metal, if that price has been ascertained at the time when the entry in the record relating to that metal is to be made,
 - (e) the method of payment of the price (if applicable),
 - (f) where no price is payable for the metal, the value of the metal at the time when the entry is to be made as estimated by the dealer,
 - (g) in the case of metal delivered to the dealer by means of a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) borne by the vehicle.
- (3) Where the dealer has paid for metal, the dealer must keep a copy of—
- (a) the cheque, or
 - (b) the document evidencing the electronic transfer of funds.
- (4) In respect of any metal processed or disposed of, the dealer must record the following information—
- (a) the description and weight of the metal immediately before its processing or disposal,
 - (b) in the case of metal which is processed, the process applied,
 - (c) in the case of metal disposed of by sale or exchange—
 - (i) the consideration for which it is sold or exchanged,
 - (ii) the name and address of the person to whom the metal is sold or with whom it is exchanged, and
 - (iii) the means by which the person's name and address was verified,
 - (d) in the case of metal disposed of otherwise than by sale or exchange, its value immediately before its disposal as estimated by the dealer.
- (5) The dealer must—
- (a) keep separate records in relation to—
 - (i) metal acquired, and
 - (ii) metal processed or disposed of,
 - (b) record the information immediately after the metal is acquired, processed or disposed of,
 - (c) keep a copy of any document produced by a person to verify that person's name or address, and
 - (d) retain information recorded or documents kept under this section for a period of not less than 3 years beginning with the date on which the information was recorded or document obtained.
- (6) The Scottish Ministers may by regulations—
- (a) specify the means by which a person's name and address may be verified for the purposes of this section,
 - (b) require further information to be recorded about any metal acquired, processed or disposed of by metal dealers or itinerant metal dealers.
- (7) Regulations under subsection (6)—
- (a) may make different provision for different purposes, and
 - (b) are subject to the negative procedure.

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33D Form of records

- (1) A metal dealer or an itinerant metal dealer (“a dealer”) must record the required information—
 - (a) in books with serially numbered pages, or
 - (b) by means of a device for storing and processing information.
- (2) Where a dealer records the required information in books, the dealer must use separate books for recording the required information about—
 - (a) metal acquired, and
 - (b) metal processed or disposed of.
- (3) Where a dealer uses a device for storing and processing information, the dealer must, by means of the device or otherwise, keep details of all modifications made in the records kept by the device.
- (4) Where a dealer is required to keep a copy of a document under section 33C, it is sufficient for the dealer—
 - (a) to keep an electronic copy of the document, and
 - (b) in relation to a document verifying a person's name or address, keep only one copy of the document.
- (5) In this section, “required information” means the information about metal acquired, processed or disposed of that a dealer is required to record under or by virtue of section 33C(2), (4) or (6).

33E Metal dealer to keep records for each place of business

- (1) A metal dealer must keep separate records of the required information in relation to—
 - (a) each place of business operated by the dealer, and
 - (b) any metal acquired, processed or disposed of otherwise than at such a place of business.
- (2) Where a metal dealer records the required information in books, the dealer must not, at any time at a place of business, use more than—
 - (a) one book for recording the required information about metal acquired, and
 - (b) one book for recording the required information about metal processed or disposed of.
- (3) In this section—

“place of business” means a place of business operated by a metal dealer in the ordinary course of that dealer's business as a metal dealer,
“required information” means the information about metal acquired, processed or disposed of that a dealer is required to record under or by virtue of section 33C(2), (4) or (6).”
- (4) In section 34 (offences relating to metal dealing)—
 - (a) after subsection (2) insert—

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- “(2A) Any metal dealer or itinerant metal dealer who fails to comply with a requirement of section 33C, 33D or 33E commits an offence and is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.”,
- (b) in subsection (3), for the words from “furnishes” to “keep” substitute “produces any information or document which the dealer is required to record or keep under section 33C which is false or misleading in a material particular”.

Commencement Information

- I1** S. 70(1)(3) in force at 1.12.2015 for specified purposes by [S.S.I. 2015/382](#), art. 2, [Sch.](#)
- I2** S. 70(1)(3) in force at 1.9.2016 in so far as not already in force by [S.S.I. 2016/85](#), art. 2, [Sch.](#)
- I3** S. 70(2)(4) in force at 1.9.2016 by [S.S.I. 2016/85](#), art. 2, [Sch.](#)

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