



Midlothian

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

LICENSING OF KNIFE AND SWORD DEALERS

NOTES FOR GUIDANCE

- 1 A Knife/Sword Dealer's Licence is required by Dealers in:-
- (a) knives (other than folding pocket knives whose blades do not exceed 3.5 inches (8.91cm) in length or knives designed for domestic use);
 - (b) daggers (other than kirpans or skean dhus whose blades not exceed 3.5 inches (8.91cm) in length;
 - (c) knife blades (other than those designed for domestic use);
 - (d) swords;
 - (e) any other article (i) which has a blade, or (ii) which is sharply pointed, and which is made or adapted for use for causing injury to the person.

- 2 A 'dealer' is a person carrying on a business which consists wholly or partly of:-
- (a) Selling;
 - (b) Hiring;
 - (c) Offering for sale or hire;
 - (d) Exposing for sale or hire;
 - (e) Lending; or
 - (f) Giving.

to persons not acting in the course of a business or profession any article mentioned above (whether or not the activities mentioned in paragraphs (a) to (f) are carried out incidentally to a business which would not, apart from this section, require a knife dealer's licence).

"Selling" (a) includes:-

- (i) selling such an article by auction;
- (ii) accepting goods or services in payment (whether in part or in full) for such an article; but

does not include selling (by auction or otherwise) such an article by one person on behalf of another; and

“sale” is to be construed accordingly.

The following are exceptions to the activities which are excluded:-

The hiring, offering or exposing for hire, lending or giving of:-

- (a) arrows used in the sport of archery by a teacher to a pupil from the definition of a business;
- (b) a knife used in a water sport by a teacher to a pupil from the definition of a business but only where the purpose is the safety of the pupil whilst undertaking a water sport; and
- (c) (and also the sale of) an arrow, used in archery, or a fencing sword where these activities are carried on in connection with a competition recognised by Scottish Fencing, Scottish Archery Association or Scottish Field Archery Association and which take place in the vicinity of that competition.

- 3 Applications can be made on the relative application form, copies of which are available from the Council Offices, Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 4 A Knife/Sword Dealer's Licence shall not be required where a person is teaching another person the sport of fencing, the hiring, offering or exposing for hire, lending or giving of a fencing sword i.e a foil, epee or sabre, by A to B but only where A is qualified to teach B in the sport.
1
- 5 Completed application forms must be accompanied by a **sketch plan** of the premises and cheques/postal orders made payable to Midlothian Council or cash. If application forms are delivered by hand, applicants or their agents should deliver them to Reception, Midlothian House, 40-46 Buccleuch Street, Dalkeith.
- 6 All questions must be answered. Failure to do so may result in the application being delayed or possibly conviction
- 7 **Subject to the provisions of the Rehabilitation of Offenders Act 1974, ALL CONVICTIONS MUST BE DECLARED including those not resulting in imprisonment or fines e.g. Admonitions, Community Service Orders, Compensation Orders, Deferred Sentences, Probation Orders, etc.**

If you are unable to provide this information you will be able to obtain it from Police Scotland You can submit a subject access request to Police Scotland by emailing: dataprotectionsubjectaccess@scotland.pnn.police.uk or by writing to Data Protection Central Processing Unit, Information Management Unit, Police Scotland, Queen Street, Aberdeen, AB10 1ZA.

Your request must be accompanied by scans/ photos/ photocopies of two official documents which between them should confirm your date of birth and your current address.

Once the Chief Constable is satisfied as to your identity, Police Scotland have one month to reply to your request.

Further information and application forms can be found on the Police Scotland website on the following link:

<http://www.scotland.police.uk/access-to-information/data-protection/subject-accessrequests>

Failure to make a full declaration may lead to refusal of the application, prosecution and, if any omission is discovered after the Licence has been granted, suspension.

8 **The fee is £410.00 (3 years).**

9 The applicant shall, for a period of 21 days beginning with the date on which the application was submitted, display a Notice confirming that application has been made and after the expiry of the 21 day period, duly certify that this Notice has been posted.

For all premises licences – Where applications are submitted in the name of a non-natural person e.g. a firm, the name of the applicant and the name and address of the employee who will carry out the day to day management of the activity should be recorded in the Notice; and a statement should be attached showing the names and private addresses of the director, partners or other persons responsible for its management.

10 The Council will consult the Chief Constable, Chief Fire Officer, the Council's Environmental Health and Trading Standards Manager and Planning Manager; and will cause public notice to be given of the receipt of the application.

11 It should be understood that any Licence does not carry with it the necessary consent or approval to any proposed development which may be required under Planning or Building Control legislation or under any other Statutes and Enactments.

12 If the property to which the application relates is owned by the Council, landlords' consent for the proposed use should be obtained.

13 Knife and Sword dealers are required:-

(a) to make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the following information –

(i) the identity of the customer and the means by which the customer's identity was verified;

- (ii) the steps taken to establish that the customer was at least eighteen years of age at the time of the transaction (including any proof of age or identity sought or the means by which the customer's age was verified or reasons why such verification was not sought because it was unnecessary); and a full description of the article sold, hired, offered or exposed for sale or hire, lent or given to the customer.
- (b) to ensure that any article listed paragraph 1 above or display of such articles is not visible from the street or any public entrance to the premises;
- (c) to display a notice which must-
 - (i) be displayed at all times at the point of entry to the premises, the point of sale or counter and in a position which is readily visible to customers;
 - (ii) be at least A4 size and which the lettering must be legible and no smaller than 5mm in height; and
 - (iii) contain the following wording:
 - (1) it is an offence to sell to a person under the age of 18 any knife or knife blade (except if the person is aged 16 or over and the knife or blade is designed for domestic use);
 - (2) it is also an offence to sell to a person under the age of 18 any razor blade, axe, sword or other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury; and
 - (3) a customer may be asked to provide details of his / her age identity (which may be recorded or copied and kept for inspection for up to 3 years).
- (d) where swords are sold:-
 - (i) to take all reasonable steps to establish from the customer and confirm the intended use of the sword; and
 - (ii) to make detailed written records on the day of the transaction with a customer and retain such records for a period of 3 years from that date stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword.

14 There is attached a statement that has been provided by Lothian and Borders Fire and Rescue Service about the responsibility of the person who has responsibility for the premises to ensure that a fire risk assessment is carried out by a competent person and to record outcomes.

Business Gateway

If you are starting a business, or if you already run your own business and could use some extra support and advice email BG@midlothian.gov.uk to register, an Adviser will then be allocated to provide a range of support services for businesses including support from a network of partners.

If you would like to know how Midlothian Council collects, uses and shares your personal information, please visit our website www.midlothian.gov.uk to access our online Privacy notice