

## **APPENDIX**

### **Itinerant Metal Dealers**

1. A licence, to be known as an “itinerant metal dealer’s licence” shall be required for carrying on business as an itinerant metal dealer.
2. An itinerant metal dealer’s licence shall have effect so as to permit the licence holder to carry on business as an itinerant metal dealer anywhere in Scotland.

### **Receipts and Invoices**

1. An itinerant metal dealer shall obtain from each person who buys metal from him a receipt showing the weight and description of the metal, the name and address of the buyer and the price paid for the metal.
2. Any such receipt shall be kept by the dealer for a period of 6 months from its date of issue.
3. An itinerant metal dealer shall keep a record in respect of each sale to him of metal showing the weight and description of the metal, the name and address of the seller and the price paid for the metal.
4. Any such record shall be kept by the dealer for a period of 6 months from the date of the sale to which it relates.
5. Any person who fails to comply with any provision of this section shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

### **Offences relating to metal dealing**

1. Any metal dealer or itinerant metal dealer who disposes of metal to a person apparently under the age of 16 or who acquires metal from such a person, whether that person is acting on his own behalf or on behalf of another person, shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
2. In any proceedings for an offence under subsection (1) above, it shall be a defence to prove that the person to whom it is alleged the metal was disposed of or from whom it is alleged it was acquired was 16 years of age or over at the time.
3. Any metal dealer or itinerant metal dealer who knowingly or recklessly furnishes false particulars under section 30 of this Act or, as the case may be, false information on any record or receipt which he is required by section 33 of this Act to keep shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

4. Any person who, when selling metal to or purchasing metal from a metal dealer or itinerant metal dealer, gives the dealer a false name or address shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.

### **Functions of the court in relation to metal dealers convicted of offences**

Where an itinerant metal dealer is convicted of an offence relating to this business as such, the court by which he is convicted may make any order which it is competent to make under section 7(6) of this Act and an extract of such conviction and sentence (if any) shall, within 6 days after the date of the conviction, be transmitted by the clerk of the court to the licensing authority which granted the licence.

### **Appropriate licence required**

Where a person carries on business as a second-hand dealer and as a metal dealer and as an itinerant metal dealer or as any two of these kinds of dealer he shall require the appropriate licence in respect of each activity.

### **Interpretation of sections 28 to 36**

In sections 28 to 36 of this Act –

“itinerant metal dealer” means a person who carries on a business which consists wholly or partly of buying and selling for scrap waste materials and old, broken, worn out, defaced or partly manufactured articles made wholly or partly of metal which he collects by means of visits from place to place and which he disposes of without causing them to be kept in a metal store or other premises (either by so keeping them himself, or by disposing of them or giving custody of them to a person who keeps a metal store);

“metal” means any metal (including any precious metal) and any alloy of any metals, whether old or new and includes manufactured articles, whether old or new, made wholly or partly of metal, of any of the materials commonly known as hard metal or of cemented or sintered metallic carbides;

“processing”, in relation to metal, includes melting down and any process whereby the composition or form of the metal or of any article which is made of the metal is altered so as to make it substantially less identifiable than before the process, and “process” and “processed” shall be construed accordingly.

For the purposes of sections 28 to 36 of this Act a person carries on business as a metal dealer if he carries on a business which consists wholly or partly of buying and selling for scrap old, broken, worn out, defaced or partly manufactured articles made wholly or partly of metal (whether the metal sold is in the form in which it was bought or otherwise), other than a business in the course of which metal is not bought except as materials for the manufacture of other articles and is not sold except as by-product of such manufacture or as surplus materials bought but not required for such manufacture.