

DUMFRIES AND GALLOWAY COUNCIL

THE CIVIC GOVERNMENT (SCOTLAND) ACT 1982: SECTION 24

SECOND HAND MOTOR VEHICLES DEALER'S LICENCE

CONDITIONS OF LICENCE

These conditions apply to the Second Hand Motor Vehicle Dealer's Licence granted to you by Dumfries and Galloway Council and must be adhered to at all times.

1. The licence is valid to the date shown on the presentation licence, which must be displayed clearly within the premises so that it can be seen by members of the public;
2. The licence holder shall keep or cause to be kept a register of all motor vehicles bought and sold;
 - 2.1 The register must be in the form of a properly bound book (Note 1 attached) with consecutively numbered pages or in another form approved by the Council and each vehicle purchased by the licence holder must be numbered;
 - 2.2 The register must include the following details in a style approved by the Council: -
 - serial stock number;
 - date of purchase
 - colour;
 - make and model of vehicle;
 - date of first registration;
 - engine and chassis numbers;
 - registration number;
 - name and address of seller;
 - name and address of any previous owner shown on the registration document;
 - odometer reading both on purchase and on sale;
 - date of sale;
 - sale price; and
 - date of most recent MOT certificate.
 - 2.3 Entries in the register must be preserved for at least three years;
 - 2.4 The licence holder shall not dispose of any item of stock in trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after acquisition. This shall not apply to any article acquired by the licence holder in a public roup and sold without being brought to the place of business. The Council may order that this provision in Section 25 of the Civic Government (Scotland) Act, 1982 shall not apply to the disposal of the licence holder's stock in trade or any part of it. This condition will not apply to members of the Scottish Motor Trade Association Limited;
 - 2.5 (a) A licence holder intending to display for sale/sell any vehicle to a member of the public must:-
 - not quote the mileage of a second hand vehicle in advertisements, notice, etc., unless fully satisfied that the quoted figure is accurate;
 - carry out an inspection and prepare a full Used Motor Vehicle Pre-Sales Inspection Report on the vehicle prior to it being displayed for sale/sold and make a copy of the Inspection Report available for inspection by any prospective purchaser while the garage/showroom is open, in a style approved by the Council;
 - display a Used Motor Vehicle Pre-Sales Information Sheet, in a style approved by the Council, in a prominent position in the vehicle displayed for sale so that it is clearly visible, indicating that the vehicle has been inspected, that a full Inspection Report may be consulted in the office/showroom prior to sale and that the purchaser will receive a copy of the Inspection Report at the time of sale;

- complete all sections of the Inspection Report as appropriate and provide the purchaser with a copy of the Inspection Report which shall be signed by both the purchaser and the dealer and dated, at the time of sale;
- retain one copy of the Inspection Report as a record for at least three years;
- not offer an unroadworthy motor vehicle for sale, for scrap or spares or for repair/reconstruction, to a roadworthy condition, unless a completed Used Motor Vehicle Pre-Sales Information Sheet is prominently displayed in/on the vehicle clearly stating "Unroadworthy Vehicle" together with a brief statement of the reason(s) for unroadworthiness - "to be sold for scrap, spares, repair";
- provide the purchaser with a copy of the completed Information Sheet which shall record the nature of the sale, e.g. for scrap, and which shall be signed, at the time of sale;
- retain a copy of the Information Sheet as a record for at least three years;
- comply with all the relevant Acts of Parliament, Byelaws and Statutory Instruments including the Trade Descriptions Act, 1968, the Road Traffic Act, 1972, the Fair Trading Act, 1973, the Road Traffic Act, 1974, the Consumer Credit Act 1974 and the Sale of Goods Act, 1979; and
- set out any material promises made in relation to a second hand vehicle in writing. Any such printed guarantee or warranty offered by the licence holder shall not purport to take away or diminish any rights which the consumer would otherwise enjoy in law and shall include a statement to the effect that the cover offered is in addition to the consumer's statutory or common law rights.

(b) A licence holder intending to sell/dispose of any vehicle to another dealer must: -

- complete a Trade Sale of Motor Vehicle Form, in a style approved by the Council, to be signed by both dealers or a second hand motor vehicle sales invoice endorsed "trade sale"; and
- retain one copy of the Trade Sale of Motor Vehicle Form as a record for at least three years;

c) Dealers in motor cycles, mopeds or any other type of motor vehicle, shall comply as far as possible with the above conditions or with any other alternative conditions of which they are advised when a licence is issued.

3. The licence holder shall keep the Register, Inspection Reports, Pre-Sales Information Sheets, Trade Sale of Vehicle Forms and Invoices referred to above available for inspection at any reasonable time by any authorised officer of Dumfries and Galloway Council, Trading Standards Department and Dumfries and Galloway Constabulary;
4. The licence holder shall store vehicles purchased in the course of their dealing only on the business premises specified in the licence or on other premises approved by the Council. The parking of vehicles on any part of the public road, carriageway, footway, verge or adjacent area or being stored on their land in such a way that the vehicle overhangs or obstructs free passage of pedestrians and/or vehicles will be prohibited;
5. The licence holder operating from business premises within the area of the Council will be required to institute and maintain fire precautions to an established standard approved by the Firemaster of Dumfries and Galloway Fire Brigade;
6. Notwithstanding the above or any other conditions annexed, a licence holder while trading shall comply with any reasonable order or instruction given by a Constable of Dumfries and Galloway Constabulary:-
 - for the prevention of obstruction or annoyance to the public or to the occupiers of any premises; and
 - in connection with any emergency or disturbance;
7. A licence holder shall notify the Council of any material change of circumstances affecting him/her or any other person or company named on the licence or affecting the activity to which the licence relates. A licence holder who ceases to act as such for the unexpired period of the licence or whose licence has been suspended by the Council shall, within seven days, return the licence to the Service Manager Courts and Licensing.

8. This licence is granted subject to the Dealer having the right to use premises and having obtained all other necessary consents including under the Planning and Building Control Legislation.

NOTES

1. Dealers may use their V.A.T. Register as their Register provided it is amended to include all the information required in condition 2.2 above or alternatively may use a computer record provided all the information required in condition 2.2 above is included and a separate bound print-out is maintained. If such records are used they should be readily available for inspection at all reasonable times and secondary records must be maintained if the V.A.T. Register is removed from the premises or the computer system is out of operation for any reason;
2. The Council will consider written applications from dealers requesting that condition 2.4, regarding the disposal of any stock in trade within 48 hours shall not apply to their business;
3. The defects listed in column 2 of the Inspection Report do not need to be rectified before the vehicle is displayed for sale, provided any work carried out at the time of sale is detailed in column 3 and the vehicle is sold in a roadworthy condition and complies with the requirements of the Road Traffic Acts;
4. The Council may, at any time, vary the terms of the licence on any grounds which they consider reasonable. Notice will be given to the licence holder at least seven days before any proposed variation is considered. The licence holder will be given an opportunity to be heard by the Council before any variation is made. The Council will consult the Trade before making any significant variation to the Conditions;
5. The Council may order suspension of a licence if, in their opinion: -
 - the holder of the licence or where the holder is not a natural person, any director of it or partner in it or any other person responsible for its management, is no longer a fit and proper person to be the holder of such a licence;
 - the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licence holder, who would have been refused the grant or renewal of a licence;
 - the carrying on of the activity to which the licence relates has caused, is causing or is likely to cause undue public nuisance or a threat to public order or public safety; or
 - a condition of the licence has been contravened.

Before suspending a licence, the Council will hold a hearing and the dealer will have a right to be heard at the hearing.

- 6) The Council will issue a renewal notice to the last known address of the licence holder but it will be the duty of the licence holder to ensure that an application for renewal is made whether or not a renewal notice has been received; and
- 7) It is an offence to contravene any condition attached to a Second Hand Motor Vehicle Dealer's Licence.

Authorised Officer

Date: <[today],d mmmm yyyy>