

CIVIC GOVERNMENT (SCOTLAND) ACT, 1982
KNIFE DEALER LICENCE
INFORMATION FOR APPLICANTS

1. A new mandatory licensing regime has been introduced requiring knife dealers to obtain a licence in order to carry out their business, subject to certain conditions.

2. Licensing Requirements

2.1 A Licence is required for carrying on business as a dealer in the following articles:-

- (a) knives (other than folding pocket knives whose blades do not exceed 3.5 inches (8.91 cm) in length or knives designed for domestic use);
- (b) daggers (other than kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm) in length);
- (c) swords;
- (d) knife blades (other than those designed for domestic use);
- (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.

A “dealer” is defined as “one who carries on a business which includes:

- (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.

3. Exemptions

3.1 As stated above, there are exemptions from the new licensing regime for:

- Knives designed for domestic use;
- Knife blades designed for domestic use;
- Folding pocket knives; kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91 cm) in length)

4 How to apply for a licence

4.1 The attached application form should be completed in black ballpoint pen. The application may be made in the name of a firm or company (i.e. non-natural person) or individual as appropriate. Applicants should complete Section 1 if applying on their own behalf or as an employee or agent of an individual. Section 2 should be completed if applying on behalf of a company and the name of the individual responsible for the day to day management of the market should also be given. All other questions must be answered and any convictions against the applicant or any person named on the application form for any type of offence must be listed under Section 10.

4.2 A Site Notice must be displayed at the premises or site for a continuous period of 21 days from the date of submission of your application. A copy of this Notice is enclosed along with a Compliance Notice which should be returned to me after 21 days, to certify that you have complied with the display notice requirement. If, for any reason, you are unable to gain access to the site to display the Site Notice, please complete the appropriate part of the Compliance Notice and return it to me.

4.3 Licences will normally be granted for a period of up to 3 years except where a shorter period has been requested or where the Council agree otherwise. The fee is £230 for a period of up to three years, £170 for a period of up to one year and the fee for a fairs only licence is £55. The fee is non-returnable and should be submitted along with the application.

4.4 Your completed application form should be returned to me at the address below along with:

- (i) the appropriate fee,
- (ii) the Compliance Notice should be returned within 21 days (where appropriate).

5 Grant or Refusal of Application

5.1 A copy of your application will be sent to Tayside Police, Tayside Fire & Rescue and the Environment Service which includes Planning. They will carry out their own enquiries and inspections and report to me. If the Council feels that any other enquiries should be carried out, you will be told of the nature of these enquiries and the results of them may be taken into account in coming to a decision on your application. Any objections made by those consulted will be reported to the Licensing Committee of the Council and you will be given an opportunity to be heard by the Licensing Committee before a decision is made on your application.

5.2 The Council must consider your application within three months of it being lodged and reach a decision on it within six months. However, if no objections are received your application will normally be dealt with and a licence issued within six to eight weeks. **The new regime comes into effect on 1 June 2010. After that date it will be offence for a dealer to carry on their business without a licence.**

5.3 The Council may impose any conditions on the grant of a licence which they consider reasonable and if a licence is granted, you will be notified of the conditions which must be observed at all times. You are entitled to seek variation of any of the conditions once a licence has been granted.

5.4 The Council may refuse an application (a) if they consider the applicant is not a fit and proper person to hold a licence, (b) where the premises are not considered suitable or convenient for the proposed activity, (c) for any other good reason. Where an application is refused the applicant may appeal to the Sheriff and you may care to seek the advice of a solicitor.

5.5 If you need any help in filling in the form or need any advice, please contact this service.

I.T. INNES
Head of Legal Services

Council Buildings
2 High Street
Perth
PH1 5PH