

FALKIRK COUNCIL

SECOND HAND MOTOR VEHICLE DEALER'S LICENCE

CONDITIONS

These conditions apply to the Second Hand Motor Vehicle Dealer's Licence granted to you by Falkirk Council (hereinafter referred to as "the Council) and must be observed at all times.

1. The licence is valid to the date shown and, together with all conditions applicable thereto **must be displayed clearly within the premises** so that they can be seen and easily read by members of the public.
2. The licensee shall keep or cause to be kept a register of all motor vehicles bought and sold.
 - (a) the register must be in the form of a properly bound book with consecutively numbered pages or in another form approved by the Council and each vehicle purchased by the licensee must be numbered;
 - (b) the register must include the following details in a style approved by the Council (see note 1 and annex 1):-
 - date of purchase
 - purchase price
 - colour
 - make and model of vehicle
 - date of first registration
 - engine and chassis number
 - 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
 - date on most recent MOT certificate
 - (c) entries in the register must be preserved for at least three years;
 - (d) the licensee shall not dispose of any item of his stock-in-trade until the expiry of 48 hours (excluding any time on Saturdays or Sundays) after he acquires it. This shall not apply to any article acquired by the licensee in a public auction and disposed of by him without being brought to his place of business;
 - (e)(i) if the licensee intends to display for sale/sell any vehicle to a member of the public he must:-

- (1) carry out an inspection and prepare a full Used 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 (see note 2 and annex 2);
 - (2) display a Used Vehicle Pre-Sales Information Sheet, in a style approved by the Council (see annex 3), 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 the sale;
 - (3) complete all sections of the Inspection Report as appropriate and provide the purchaser with a copy of the Inspection Report, which should be signed by both the purchaser and the licensee and dated at the time of sale; and
 - (4) retain one copy of the Inspection Report as part of his records for at least three years;
 - (ii) if the licensee intends to sell/dispose of any vehicle to another dealer he must:-
 - (1) complete a Trade Sale of Vehicle form, in a style approved by the Council (see annex 4), to be signed by both the licensee and the other dealer or a used vehicle sales invoice endorsed "Trade Sale"; and
 - (2) retain a copy of the Trade Sale of Vehicle form as part of his records for at least three years;
 - (iii) if the licensee intends to sell/dispose of bicycles, motor cycles, mopeds or any other type of vehicle, including caravans and trailers, he shall comply as far as possible with the above conditions or with any other alternative conditions of which he is advised when a licence is issued.
3. The licensee shall keep the register, Inspection Reports, Trade Sale of Vehicle forms and invoices referred to in Condition 2 above available for inspection at any reasonable time by any authorised officer of Falkirk Council or Police Scotland.
 4. The licensee shall store vehicles purchased in the course of his dealing only on the business premises specified in the licence or on such other premises as may be approved by the Council in writing.
 5. The licensee shall comply with or ensure compliance with all fire precaution requirements to the satisfaction of the Chief Fire Officer of the Scottish Fire and Rescue Service.
 6. Notwithstanding the above or any other conditions annexed, the licensee while trading shall comply with any reasonable order or instruction given by a constable of Police Scotland:-
 - (a) for the prevention of obstruction or annoyance to the public or to occupiers of any premises; or

- (b) in connection with any emergency or disturbance.
7. The licensee 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 licensee 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 Director Of Corporate & Housing Services of the Council.

NOTES

1. **The licensee may use his/her VAT register as his/her 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 VAT register is removed from the premises or the computer system is out of operation for any reason.**
2. **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.**
3. **The Council may, at any time, vary the terms of a licence on any grounds which they consider reasonable. Notice will be given to the licensee at least seven days before any proposed variation is considered. The licensee will be given an opportunity to be heard by the Council before any variation is made.**

4. The Council may order suspension of a licence if in their opinion:-
- (a) the licensee is no longer a fit and proper person to be the holder of such a licence, whether because of convictions for offences which have taken place since the grant or renewal of the licence or for any other good reason;
 - (b) the activity to which the licence relates is being managed by or carried on for the benefit of a person other than the licensee, who would have been refused the grant or renewal of a licence;
 - (c) 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
 - (d) a condition of the licence has been contravened.

Suspension of a licence will only be considered in the most serious cases of infringement of the conditions or for any of the other reasons above. The licensee has a right to appeal to the Sheriff against such a decision.

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

SUGGESTED LAYOUT OF SECOND HAND DEALERS' (USED VEHICLES) REGISTER

(For use by Motor Vehicle Dealers)

Serial Stock No.	Reg. Mark	Make Model	Date of Reg	Colour	Indicated mileage at purchase	Date of Last test	Chassis/V1N No.	Engine Number	Date of Purchase Price	Name and address of Seller
1/96	L123 ABC	Ford Fiesta 1.3LX	12/9/93	White	21,764	3/07/95	BBATMB/11 2345	MB12345	19 Sept 1995 £4500	David Smith 1 High Street

Name and Address of Previous Owner	Date of Sale Sale Price	Name and Address of Purchaser	Indicated Mileage at Sale	Remarks
Tom Brown Jones 15 Smith Street	17 December 1995 £5200	John Millar 123 Dundee Road	21,764	

NOTE:- This layout is for guidance only and the above items may be listed in any order in the Register.

Most dealers should be able to adapt their existing VAT or computer records to contain the additional information.

USED VEHICLE PRE-SALES INFORMATION SHEET**DETAILS OF VEHICLE**

Make _____ Model _____ Colour _____
 Engine Capacity _____ Date first reg. _____ Reg. Number _____
 MOT Expiry Date _____ Number of Owners _____ Cash Price £ _____

ODOMETER READING

N.B. This statement should be read in conjunction with the information given on the vehicle. If the vehicle odometer is incorrect (options B and C below) this should be adequately disclaimed on the vehicle odometer itself.

A* The true mileage as recorded
on the vehicle odometer is:

Complete only ONE
of the three declarations

B* The odometer reading is incorrect.
The true mileage is:

C* Despite enquiries the full mileage history of this
vehicle is unknown. The odometer reading must
therefore be taken as incorrect.

ANY OTHER COMMENTS

**A FULL REPORT HAS BEEN COMPLETED ON THIS VEHICLE AND IS AVAILABLE IN THE
SHOWROOM/OFFICE**

A COPY OF THIS REPORT WILL BE GIVEN ON THE DAY OF DELIVERY

Signed _____

*Owner/Director/Sales Manager

*Delete where applicable

CIVIC GOVERNMENT (SCOTLAND) ACT 1982

TRADE SALE OF VEHICLE

Sold by _____ Sold to _____

DETAILS OF VEHICLE

Make _____ Model _____ Colour _____
Engine Capacity _____ Date first reg. _____ Reg. Number _____
MOT Expiry Date _____ Stock Number _____ Traders Licence No. _____

ODOMETER READING

N.B. This statement should be read in conjunction with the information given on the vehicle. If the vehicle odometer is incorrect (options B and C below) this should be adequately disclaimed on the vehicle odometer itself.

A* The true mileage as recorded on the vehicle odometer is:

Complete only ONE of the three declarations

B* The odometer reading is incorrect. The true mileage is:

C* Despite enquiries the full mileage history of this vehicle is unknown. The odometer reading must therefore be taken as incorrect.

I declare that I am the buyer of the car described above, and having examined the vehicle understand that I am responsible for ensuring that the vehicle is fit to be used on a road as defined by the Road Traffic Acts.

Signature _____
(Buyer)

Signature _____
(Seller)

Date _____

Date _____

White Copy: Seller – Blue Copy: Buyer

*Delete where applicable