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## **CIVIC GOVERNMENT (SCOTLAND) ACT 1982 KNIFE DEALER'S LICENCE GUIDANCE NOTES FOR APPLICANTS**

These notes have been written to help you with the licensing application form and to draw your attention to some other things you may have to do in connection with your application. If you need any more help, please contact Environmental Health at the address given above.

### **(1) What is the Civic Government (Scotland) Act 1982?**

This is an Act of Parliament which enables Scottish local Councils to control and regulate certain activities in their area so as to preserve public order and safety and prevent crime.

### **(2) Why do I need a licence?**

The Civic Government (Scotland) Act 1982 introduced compulsory licensing of certain activities and also the option to licence other activities. The Custodial Sentences and Weapons (Scotland) Act 2007 requires a licence to be held for carrying on business as a Knife Dealer with effect from 1 June 2010.

### **(3) What is Knife Dealer's Licence?**

A Knife Dealer's Licence is required for anyone carrying on business as a dealer of the following articles –

- (a) Knives (other than those designed for domestic use)
- (b) Knife blades (other than those designed for domestic use)
- (c) Swords
- (d) 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.

The legislation does not define “domestic” or “non-domestic” knife.

Shetland Islands Council interprets “non-domestic” as being “articles that clearly have no “domestic” use”. This means that a licence would not be required for the sale of the majority of utensils or tools which could do or may have a DIY use. For example Filleting Knives, Chefs Knives, Craft Knives and Blades etc. The regime would therefore only apply to hunting knives, fishing knives, diving tools, swords etc, unless further guidance is provided.

Additional exceptions from the need for this licence are folding pocket knives, kirpans and skean dubhs, where the blade of the item does not exceed 8.91 centimetres (3.5 inches) in length.

**(4) What conditions will be applied to my licence?**

The general conditions are supplied with the application form and will form part of the licence if granted to you. The Council may also add specific conditions to your licence on matters such as the times you may conduct your trade and the places where the trade can be carried on.

**(5) Why do I need to display a “Site Notice” on the premises to be used?**

The Act specifies that when an application relates to a licence for an activity which is to be carried on in premises, the applicant shall:

- (a) display a “Site Notice” at the premises giving details of the date the application was made to the Council for a licence and various other details of the activity to be carried out. The applicant shall display the notice for a period of 21 days beginning with the date on which the application was submitted to the Council;
- (b) submit a “Certificate of Compliance with Site Notice” to the Council as soon as possible after the expiry of the period of 21 days stating that they have complied with the Site Notice procedure.

**(6) Who will be consulted?**

All applications will be submitted to the Police for an opinion as to whether the applicant is a fit person to hold the licence and, where the activity is to be carried on in premises, the Fire Brigade will be asked for their opinion as to the suitability of the premises. The Infrastructure Services Department will also be asked for an opinion on the application.

It is a requirement of the legislation for this type of licence that applications must be advertised by public notice in a newspaper circulating in the area of the Council as licensing authority. This is in order to ensure sufficient public awareness of the application and in order to give the public the opportunity to object to it.

**(7) What is the fee?**

Licence fees increase on 1<sup>st</sup> of April each year so please see list of current licence fees or contact Environmental Health on 01595 745250 or email [ehadmin@shetland.gov.uk](mailto:ehadmin@shetland.gov.uk)

Applications are not valid until we have received the fee so please submit along with the application. Please do not send cash. Cheques and postal orders should be made payable to: "Shetland Islands Council", payment can also be made by card.

**(8) How long is the licence for and when do I need to renew my licence?**

The licence is for a period of 3 years and the licence will therefore need to be renewed 36 months from the date of it being granted (please apply for renewal at least one month before your licence expires).

**(9) What records do I need to keep?**

The Act gives the Council the authority to define the style and nature of the records to be kept. The dealer must 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. The records to be kept are set out in the conditions attached to the licence.

**(10) Am I committing an offence if I do not obtain a licence?**

Yes, if you are conducting an activity which requires to be licensed in terms of the Council's resolution and you do not obtain the licence then you are committing an offence and, you will be liable, on summary conviction to a fine not exceeding £2,500. If you obtain a licence and do not comply with a condition attached to the licence you will be guilty of an offence and liable, on summary conviction to a fine not exceeding £1,000. The Act provides that it shall be a defence for a person charged with an offence of non-compliance with a condition to prove that he used all due diligence to prevent the commission of the offence.

**(11) What if I make a false statement on my application form?**

If you make a statement which you know to be false, or recklessly make any statement which is false, you will be guilty of an offence and liable, on summary conviction, to a fine of £2,500.

**(12) Are there any other offences arising from the operation of the licensing scheme?**

Yes:

- (a) if you, without reasonable excuse, make or cause or permit to be made any material change of any premises, without prior permission of the Council you will be liable to a fine not exceeding £1,000 on summary conviction; and
- (b) if you fail, without reasonable excuse, to return your licence to the Council after it has been revoked or after you cease to conduct the trade or business for which the licence was issued then you will be liable, on summary conviction, to a fine not exceeding £500.

**(13) What do I do next?**

You should:

- (a) complete the application form for a licence and submit it to the Council;

- (b) as soon as your application is submitted display a “Site Notice” at the premises. You should attempt to keep that notice on display for a period of 21 days and try and ensure that it does not become defaced or destroyed during that period;
- (c) when the 21 day period has expired, complete the “Certificate of Compliance” and send it to Environmental Health. The Council has then a period of up to 6 months in which to reach a final decision on your application.

**Please note that:**

- (1) The fees and fines referred to above are correct at 1 April 2023, and may be subject to subsequent change.
- (2) These notes are for guidance only and are not a complete statement of the procedures relating to applications for licences under the Civic Government (Scotland) Act 1982. If you need any more information, please contact Environmental Health at the address given above.