

# Knife Dealer's Licence Conditions

## Orkney Islands Council

### Civic Government (Scotland) Act 1982

Form KD5.

#### General

1. The licence permits the use of the premises specified therein as a place for the carrying on of a business, which deals in knives, knife blades, swords or any other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury to the person, as defined in the licence. The licence must be exhibited in the premises in such a place and in such a manner as to be easily read by the public.
2. The licence holders or, in the absence of the licence holders, a person authorised by them, must be in charge of the premises at all times and must not be engaged in duties which might prevent the exercising of general supervision of the premises.
3. The licence holders shall be liable for any act or omission of their servants, agents or lessees in the contravention of, or non-compliance with any of these Conditions.
4. The licence holders shall ensure that the premises are covered by an adequate policy of Third Party Liability Insurance with a reputable Company and shall exhibit to the Council, on demand evidence that the premiums in respect of such policy have been timeously paid.
5. The licence holders shall not make, cause or permit to be made any structural alteration to the premises or to any display cabinets therein used for the purposes of the display of knives, knife blades or swords, nor shall any new electrical installation be provided therein, or any extension made to any existing electrical installation, unless and until details of the proposed works have been submitted by the licence holders to the Council and the works approved by the Council in terms of paragraph 9(2) of Schedule 1 to the Act.
6. All plans of the premises approved by the Council will be retained by the Council.
7. The licence holders must surrender the licence if and when called upon to do so by the Council for the purpose of alteration in accordance with any decision of the Council.
8. No person under the age of 18 shall engage in the activity of selling, hiring, offering or exposing for sale or hire, lending or giving knives, knife blades or swords within the premises.

## **Mandatory Conditions for all Knife Dealers**

9. The licence holder 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, stating the following information:
  - the identity of the customer and the means by which the customer's identity was verified;
  - the steps taken to establish that the customer was at least 18 years of age at the time of the transaction (including any proof of age or identity sought or the means by which the customer's age was verified or reasons why such verification was not sought because it was unnecessary); and
  - a full description of the article sold, hired, lent or given to the customer.
10. The licence holder must ensure that any article or display of articles is not visible from the street or any public entrance to the premises.
11. The dealer must display a notice which must:
  - be displayed at all times in a position which is readily visible to customers at:
    - the entry to the premises; and
    - the point of sale or counter;
  - be at least A4 size and on which the lettering must be legible and no smaller than 5 mm in height; and
  - contain the following wording:
    - it is an offence to sell to a person under the age of 18 any knife or knife blade (except if the person is aged 16 or over and the knife or blade is designed for domestic use);
    - it is also an offence to sell to a person under the age of 18 any razor blade, axe, sword or other article which has a blade or which is sharply pointed and which is made or adapted for use for causing injury; and
    - a customer may be asked to provide details of his/her age and identity (which may be recorded or copied and kept for inspection for up to 3 years).

## **Local Conditions for all Knife Dealers**

12. In addition to the records requirements listed at paragraph 9 of these conditions, the licence holder shall:
  - record the date of purchase and the number of items sold, if more than one;
  - verify a customer's age by means of sight of a passport or photographic driver's licence and shall retain a record of the passport or driver's licence number; and
  - retain a Refusals Register, which shall be retained for a period of at least 12 months, and which must record:
    - the date of refusal;
    - the reason for refusal;
    - details of the person attempting to purchase the item, if known; and
    - the age of the person, if known.
13. The licence holder may keep electronic copies of Purchases and Refusals Registers but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.
14. The licence holder shall display all knives, knife blades or swords within lockfast cabinets or display units within the premises and shall ensure that all such items not on display, are stored within a lockfast store within the premises.

## **Additional Mandatory Conditions for Swords**

15. The licence holder must take all reasonable steps to establish from the customer and confirm the intended use of any sword.
16. The licence holder 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 stating the enquiries made of the customer or other persons or bodies as to the intended use of any sword.

## **Additional Local Conditions for Swords**

17. The licence holder 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 stating the following information:
  - confirmation and the reasons for the dealer's view that the intended use of the sword is for a purpose authorised by Scottish Ministers under Section 141 ZA of the Criminal Justice Act 1988; and
  - the steps taken to establish the intended use of the sword.
18. The licence holder may keep electronic copies of the information required under paragraphs 16 and 17 above but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.

## **Definitions**

“The Act” means the Civic Government (Scotland) Act 1982.

“the Council” means Orkney Islands Council;

“licence holder” or “holders” means the person, persons; company, firm, public body or voluntary organisation named in the licence;

“premises” means the premises specified in the licence.

Orkney Islands Council.

2009.

2013.

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