KD6 – Version 2.1 (01.04.2024)

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| **Guidance Notes for Applicants**  **Knife Dealer’s Licence** | Fife Council logo |

**Introduction**

This guidance is provided for your information only and is not prepared as a substitute for any independent legal advice. If this is required you should contact your solicitor.

A Knife Dealers licence is required for anyone carrying on business as a dealer of the following **non-domestic** articles:-

(a) knives (other than folding pocket knives where blades do not exceed 3.5 inches (8.91cms) in length or knives designed for domestic use);

(b) daggers other than kirpans or skean dhus whose blades do not exceed 3.5 inches (8.91cms) in length;

(c) knife blades (other than those designed for domestic use);

(d) swords;

(e) Any other article:-

(i) which has a blade; or

(ii) which is sharply pointed.

“Domestic” is defined in dictionaries as “of or related to the home; of or related to activities normally associated with the home, wherever they actually occur”.

A “dealer” is defined in dictionaries as “a person carrying on a business which consists wholly or partly of selling, hiring, offering for sale or hire, exposing for sale or hire, lending or giving to persons”.

**Application**

Application fees are non-refundable. You can apply for a 3 year licence.

Your application will not be processed until payment has been made by credit card or debit card.

The application can be downloaded at this link: [Knife Dealers Licences](https://www.fife.gov.uk/kb/docs/articles/business2/licences-and-permits-for-business/dealer-licences/knife-dealers-licence)

Please note that if you apply as a company or partnership then you will have to provide details of the day-to-day manager. You should be aware that the day-to-day manager is a joint licenceholder and as such if they cease to be so at any time within the duration of the licence then a new application with the applicable fee will be required.

**Notification to the Public:-** The Civic Government (Scotland) Act 1982 requires that all licence applications involving premises are notified to members of the public. As part of the application process for this type of licence you must display a completed notice of application (form KD2) in a prominent place at your premises. This must be displayed for a period of 21 days starting on the day that the application is submitted to Fife Council. Once the 21 day period has passed the certificate of compliance declaration (form KD3) should be completed, dated and returned to Fife Council.

**Newspaper advert:-** The Civic Government (Scotland) Act 1982 requires all applications for a knife dealers licence to be advertised in a newspaper. This will arranged by the Licensing Team, Fife Council and the cost for this is included in the fee.

**Application Process**

The Civic Government (Scotland) Act 1982, prohibits the Council from making a decision on your application until a minimum of 28 days has passed from the date of application. During this time any person can object to your application.

Applications will be copied to Police Scotland (Fife Division) and the relevant Council Services. On receipt of a reply from these consultees the licence will either be granted by the Licensing Team, or where there are any representations or objections to an application, the application will be considered at a meeting of the Regulation & Licensing Committee, to which the applicant and any objectors will be invited to attend.

The majority of applications with no representations or objections will take 4-6 weeks to process, however applications that are to be considered by the Regulation & Licensing Committee will take longer to determine. The Council has a maximum of 9 months from the date of application within which to make its decision.

**Previous Convictions**

A full police record check is undertaken for all applicants and Police Scotland (Fife Division) may report on any incidents applicants have been involved in which required Police assistance. This may include incidents that have not reached the Court, incidents resulting in “no proceedings” by the Court and any outstanding Court cases. The provisions of the Rehabilitation of Offenders Act 1974 apply to convictions.

**Refusal**

You will be informed of the Regulation & Licensing Committee’s decision, in writing, within 7 days of the date of the hearing. If your application has been refused you may appeal against the decision, to Kirkcaldy Sheriff Court, within 28 days of the date of the decision.

If you have been refused Fife Council will not entertain a subsequent application, within one year of the refusal, for the same type of licence unless in its opinion there has been, since the refusal, a material change of circumstances.

**Conditions of Licence**

A copy of the standard conditions applicable to this licence is available with the application pack. Fife Council requires all licenceholders to have a thorough understanding of these conditions. The Committee can, if it wishes, impose additional conditions and can grant the licence for a shorter period than that applied for.

**Renewal Applications**

If an application for the renewal of a licence is made before its expiry, the existing licence shall continue to have effect until, the renewal licence has been granted or where the Council has refused that application, the time within which an appeal against the decision can be lodged has elapsed or, where such an appeal has been lodged, the time when it has been abandoned or determined.

KD5 – Version 2.0 (25.05.2018)

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| **CIVIC GOVERNMENT (SCOTLAND) ACT 1982**  **CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007**  **KNIFE DEALERS LICENCE CONDITIONS** | Fife Council logo |

**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 dealer or, in the absence of the dealer, 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 dealer 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. No person under the age of eighteen 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**

5. 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 stating the following information-

(1) the identity of the customer and the means by which the customer’s identity was verified;

(2) the steps taken to establish that the customer was at least eighteen years of age at the time 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

(3) a full description of the article sold, hired, lent or given to the customer.

6. The dealer must ensure that any article or display of articles is not visible from the street or any public entrance to the premises.

7. The dealer must display a notice which must-

(a) be displayed at all times in a position which is readily visible to customers at (i) the entry to the premises; and (ii) the point of sale or counter

(b) be at least A4 size and on which the lettering must be legible and no smaller than 5 mm in height; and

(c) contain the following wording:

(i) 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 knife blade is designed for domestic use);

(ii) 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

(iii) 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).

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**Local Conditions for all Knife Dealers**

8. In addition to the record requirements listed at paragraph 5 of these conditions, the dealer shall –

(1) record the date of purchase and the number of items sold, if more than one;.

(2) verify a customer’s age by means of sight of a passport, photographic driver’s licence, pass card or other similar means of identification and shall retain a record of the identifying document number; and

(3) shall retain a Refusals Register, which shall be retained for a period of at least 12 months, and which must record –

(a) the date of refusal;

(b) the reason for refusal;

(c) details of the person attempting to purchase the item, if known; and

(d) the age of the person, if known.

9. The dealer may keep electronic copies of Purchase and Refusals Registers but must have a printed version retained within the premises to comply with the mandatory requirement to have a written record.

10. The dealer shall display all knives, knife blades or swords, except domestic knife blades and tools, 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**

11. The dealer must take all reasonable steps to establish from the customer and confirm the intended use of any sword.

12. The dealer must make detailed written records on the day of the transaction with a customer and retain 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**

13. The dealer may keep electronic copies of the information required under paragraph 12 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 Fife Council;

“Environmental Services” means the Environmental Services of Fife Council;

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

“premises” means the premises specified in the licence.

KD2

# FIFE COUNCIL

Civic Government (Scotland) Act 1982

Custodial Sentences and Weapons (Scotland) Act 2007

**NOTICE OF APPLICATION – KNIFE DEALER’S LICENCE**

NOTICE IS HEREBY GIVEN that application has been made on (date)

to Fife Council for a Knife Dealer’s Licence in respect of premises at

(address)

Days and times of Operation

by Name of Applicant / Company -

## Address -

## Day to Day Manager -

## Address -

**OBJECTIONS AND REPRESENTATIONS**

Any objections and representations in relation to the application may be made to Fife Council, Licensing Team, Corporate Services, Fife House, North Street, Glenrothes, KY7 5LT generally within 28 days of the abovementioned date. Objections and representations should be made in accordance with the following provisions, namely:-

1. Any objection or representation relating to an application for the grant or renewal of a licence shall be entertained by the licensing authority if, but only if, the objection or representation -

(a) is in writing;

(b) specifies the grounds of the objection or, as the case may be, the nature of the representation;

(c) specifies the name and address of the person making it;

(d) is signed by him or on his behalf;

(e) is made to them within 28 days of whichever is the later or, as the case may be, latest of the following dates -

(i) where public notice of the application was given in a newspaper, the date when it was first so given;

(ii) where Fife Council have required the applicant to display the Notice again from a specified date, that;

(iii) in any other case, the date when the application was made to them.

2. Notwithstanding 1. (e) above, it shall be competent for the Council to entertain an objection or representation received by it before it takes a final decision on the application if it is satisfied that there is sufficient reason why the objection or representation was not made in the time required.

3 An objection or representation shall be made for the purposes of 1. above if it is delivered by hand within the time limit specified to the Council or posted (by registered or recorded delivery post) so that in the normal course of post it might be expected to be delivered within that time.

**Any objection / representation submitted to the Licensing Team will be copied in full to the applicant. It is likely that the person making the objection / representation will be invited to attend the Regulation & Licensing Committee to speak in support of their objection / representation prior to the application being determined.**

KD3

**PLEASE NOTE THIS DECLARATION SHOULD ONLY BE COMPLETED AND RETURNED TO FIFE COUNCIL ONCE THE NOTICE OF APPLICATION KD2 HAS BEEN DISPLAYED FOR THE 21 DAY PERIOD.**

**FIFE COUNCIL**

**CIVIC GOVERNMENT (SCOTLAND) ACT 1982**

**CUSTODIAL SENTENCES AND WEAPONS (SCOTLAND) ACT 2007**

**KNIFE DEALER’S LICENCE**

**CERTIFICATE OF COMPLIANCE**

I,

applicant for a Knife Dealer’s Licence, hereby certify that a Notice has been posted at or near the premises at

from (date) to (date)

containing such information as is required by paragraph 2(3) of Schedule 1 to the above Act.

\* Where the said Notice was removed, obscured or defaced during the above-mentioned period, I took reasonable steps for its protection and replacement as follows:-   
(give details and circumstances)

Date Signature

\* Delete if not applicable