

**GAME ACT 1832
GAME LICENCES ACT 1860
DISTRICT COURTS (SCOTLAND) ACT 1975**

**THE MORAY COUNCIL
GAME DEALERS LICENCES & LICENCES TO DEAL IN GAME**

GUIDANCE NOTES

- **Introduction** - Before any person may engage in trading in game, he must first obtain a Game Dealers Licence in terms of the Game Act 1831, as amended, and then a Licence to Deal in Game under the Game Licences Act 1860. Since this legislation is now over a hundred and fifty years old, you will understand that much of the language used is rather out of date!

Before any person takes, kills or pursues or aids or assists in any manner in so doing, or who uses any dog, net, gun or other engine for the purpose of taking, pursuing or killing any game, woodcock, snipe or coney or any deer must take out a licence to kill game. An application form for a licence to kill game may be obtained from the Post Office. A licence to kill game taken out by a person in his own name, and not as a gamekeeper, is valid throughout the United Kingdom.

- **Definition** - "Game" is defined as including hares, pheasants, partridges, grouse, heath or moor game and black game.
- **Game Dealers Licence** - In terms of the Game Act 1831, as amended, the Licensing Authority may grant a licence to deal in game to any person if it thinks fit, being a householder or keeper of a shop or stall within their area. A Licensing Authority however may not grant a licence to an inn keeper or person licensed to sell beer, or the driver, owner or guard of any mail coach, wagon or other public conveyance, or any courier or peddler, or a person employed by any of the above mentioned.

The licence authorises the applicant to buy game at any place from any person who may lawfully sell game by virtue of the Game Act 1831, and also to sell game at any one house, shop or stall.

Display - Every game dealer must affix to some part of the front of his house, shop or stall a board carrying in clear and legible characters his christian name and surname, together with the words "licensed to deal in game". This is referred to as "the Statutory Board". It is an offence to sell or offer for sale game without affixing the Statutory Board at the time of selling. Further offences arise where the statutory board is affixed to more than one house, shop or stall, or if the game is sold from a place other than the house, shop or stall where the board has been exhibited; or where a person not licensed to deal in game pretends to be so by affixing the statutory board, or by offering any certificate or by any other device.

- **Duration of Licence** - A game dealer's licence lasts for a year from the date of issue.
- **Offences** - It is an offence for any person who has not obtained a licence to deal in game or a licence to kill game, to sell or offer for sale game to any person. It is also an offence for any person authorised to sell game by virtue of holding a licence to kill game, to sell or offer to sell that game to any person who is not a licensed dealer in game.
- **Licence to Deal in Game** - Where a Game Dealer's licence has been granted by a Licensing Authority, it is necessary, before dealing in game, to take out a further licence which levies a duty under the Game Licences (Scotland) Act 1860. Duty is levied by the Licensing Authority on the issue of the licence. A person dealing in game without holding this further licence is guilty of an offence. This licence cannot be granted except upon the production of a Game Dealer's licence.

The Application Form

The application form is split into 5 different parts:-

- A. Personal Details - if the applicant is an individual.
- B. Business Details - if the applicant is a company or partnership.
- C. Premises Details.
- D. Licence Details.
- E. Criminal Convictions.

You must answer all of the questions and supply details where relevant otherwise your application will be returned to you. Your application cannot be processed until all the information is included in the form.

A. Personal Details - (if applicant is an individual)

You require to complete this section if you are an individual person applying for a game dealers licence and licence to deal in game rather than a business or partnership. **NOTE: if you are completing this section you do not also require to complete section B.** It is essential that your personal details are supplied on the application form so that necessary police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

B. Business Details - (if applicant is a company or partnership)

You require to complete this section if the premises/operation is run by a company or partnership rather than an individual person. Please note that when application is made for a licence by a company or partnership you must also give details of the employee who is responsible for carrying out the day to day management of the business. **NOTE: if you are completing this section you do not also require to complete section A.** It is essential that your full business and employee details are supplied on the application form so that necessary police checks can be undertaken swiftly and so your application can be processed as quickly as possible.

C. Premises Details

You require to supply the full name, postal address and telephone number of the premises to which the game dealers licence and licence to deal in game are to relate.

D. Licence Details

Grant of a Licence - If you have never held a game dealers licence and licence to deal in game before, or you do not currently have such a licence, or you are moving to different premises then you need to apply for the **grant** of a licence. The fee for a grant is £31.

Renewal of Licence - If you currently hold a game dealers licence and licence to deal in game which have not expired, but are due to expire then you need to apply for a **renewal** of the licence. The fee for a renewal is £31.

Full Licence - A full licence is generally granted for a period of 1 year, although the Licensing Authority has the discretion to grant it for a shorter period.

If you are applying for the **grant of a licence** you are asked questions on the form as to whether you have previously held a licence in the United Kingdom or whether you have been refused such a licence previously. Please note that it is very important that you complete these questions fully.

In the event that your application does not result in the grant or renewal of a licence for any reason you will be entitled to a refund of one-third of the fee you have paid.

E. Criminal Convictions

This section asks whether you have ever been convicted of any crime or offence. **Please note that this includes any fixed penalties.**

Although you are not required to disclose any convictions which are "spent" in terms of the Rehabilitation of Offenders Act 1974, the Police may raise an objection on the basis of spent convictions and the licensing authority may decide to consider these if they are thought relevant to your application. The Rehabilitation of Offenders Act 1974 states what is to be considered as a "spent" conviction. It depends not just on how long ago the conviction took place but also the seriousness of the crime and the severity of the sentence received. If you think a conviction is "spent" you should seek independent legal advice.

General Information **Application Procedure**

You require to **sign** and **date** the declaration at the bottom of the application form. This is a very important part of the form and you should note that it is a criminal offence to make a false declaration for which you can be prosecuted and fined up to £2,500.

Once you have completed the application form you should submit it to:-

The Chief Legal Officer
The Moray Council
High Street
Elgin
IV30 1BX

along with the appropriate fee.

Your application will be copied to Grampian Police and the Chief Environmental Protection Officer of the Moray Council for their observations. If no objection or observation is made on your application by them, the Council will proceed to issue your licence. If an observation or objection is received, your application will be referred to the Licensing Committee of the Council where elected Members will consider the matter. You will be given an opportunity to attend this meeting and put your case in support of your application.

If you have any queries please telephone Lorna Carmichael on 01343 563027.

These notes have been prepared as an outline of the licensing provisions contained in the Game Act 1832 and Game Licences Act 1860. While every effort has been made to ensure the accuracy of these notes, they should be used as general guidance only. It is, of course, the responsibility of applicants to ensure compliance with the provisions of these two Acts.