



GUIDANCE NOTES for VENISON DEALER'S LICENCES

The Deer (Scotland) Act 1992

Disclaimer

These notes have been prepared as an outline of the licensing provisions in connection with venison dealing introduced by The Deer (Scotland) Act 1992. While every effort has been made to ensure accuracy, these notes are for general guidance only and do not constitute legal advice. It is the responsibility of applicants and licence holders to ensure that they comply with the provisions of the Act, any statutory instruments made thereunder, the conditions outlined in the schedule attached to your licence and any policy/guidance notes issued by the Council.

INTRODUCTION

A licence is required by all those who are dealers in venison. A dealer in venison includes any person or business which sells or offers to sell venison, purchases or offers to purchase venison. This will most likely affect butchers, game dealers and supermarkets. The venison dealer's licence will be granted to any person who is fit to deal with venison.

The licence will be valid for no more than three years and must be renewed at the time of expiry. Every licensed dealer must also keep a book in which a copy of all purchases and receipts of venison are recorded. This can be inspected by any authorised person or police constable.

THE APPLICATION FORM

The application is split into 6 sections

- A. Person Details
- B. Business Details
- C. Licence Details
- D. Premises Details
- E. Criminal Convictions
- F. Residence Outside the UK

You must answer all of the questions as fully as you can as failure to do so may result in your application being returned to you. Your application will not be processed until you have provided all the necessary information.

A. PERSONAL DETAILS

You require to complete this section if you are an individual person applying for a Venison Dealers licence 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

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. LICENCE DETAILS

Grant of a Licence - If you have never held a venison dealer's licence 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.

Renewal of Licence – If you currently hold a venison dealer's licence which has not expired, but is due to expire then you need to apply for a **renewal** of the licence.

A Licence is generally granted for a period of 3 years, although the Licensing Authority have 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 venison dealer's 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.

D. PREMISES DETAILS

You require to supply the full name, postal address and telephone number of the premises to which the second hand dealers licence is to relate.

E. CRIMINAL CONVICTIONS

This section asks whether you or anyone named in the application, have **ever** been convicted of **any** crime or offence. Please note that this includes any fixed penalties or driving convictions.

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 any spent convictions you may have and the licensing authority may thereafter decide to consider these if they are determined to be relevant to your application.

If you think a conviction is spent you should seek independent legal advice. Failure to disclose convictions is a criminal offence and any applicant failing to disclose a conviction may be reported to the Procurator Fiscal with a view to prosecution.

F. RESIDENCE OUTSIDE THE UK

If you are making an application you, or anyone named in the application must provide evidence of your criminal history:

- **If you were born in the UK** but have lived in any other country within ten years prior to your application for a continuous period of twelve months or more you must provide a Criminal Record Check for all those countries for the relevant period(s)
- **If you were born out with the UK** you must provide a Criminal Record Check from your country of origin for the time of residence there IF it was in the last ten years, unless you left that country without reaching the criminal age of responsibility. You must also provide a Criminal Record Check from any other country in which you have resided for a continuous period of six months or more in the ten years prior to application.

In all cases, the Criminal Record Checks provided must

- have been obtained within the six months immediately prior to submitting your application; and
- be translated into English; and
- be verified by the relevant UK-based Embassy or High Commission

Process for obtaining Criminal Record Checks -

<https://www.gov.uk/government/publications/criminal-records-checks-for-overseas-applicants>

Note: The certificate must be produced before the licence can be granted. Whilst it is desirable for the applicant to produce the certificate with the application, it is not a strict requirement. This is so any applicant having difficulties will not be disadvantaged by delays to processing the application. At the applicants choosing, the application can be accepted as valid without the convictions evidence but the evidence should be provided as soon as possible. In this way the convictions evidence will be a check rather than a validation. Applicants should still note, however, that the licence cannot be granted without the evidence having been produced. Therefore if the application is approaching the 9 month time limit without the evidence being produced, the application may be refused for failure to comply with administrative provisions.

If you are experiencing difficulties in obtaining a certificate then please contact the licensing team to discuss your options. It may be possible to accept alternative evidence, for example: evidence of checks having been carried out by another government body; affidavits; or character references.

In cases where it is not possible to provide any satisfactory evidence, the application will be referred to the Licensing Committee for a decision. Therefore the application may be delayed pending the outcome of a hearing.

GENERAL INFORMATION

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 please submit it to:

Legal and Democratic Services
Moray Council
High Street
Elgin
IV30 1BX

along with the appropriate fee.

Your application will be copied to Police Scotland, Grampian Fire and Rescue Service and the Red Deer Commission for them to review. If no objection or representation is made on your application by them, the Council will proceed to issue you licence. If an representation 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.

FEES

Please refer to the Moray Council website for the list of current fees.

QUERIES

If you have any queries please e-mail licensing@moray.gov.uk or contact us on 01343 563027.