

## APPENDIX A

### Scrap Metal Dealers Act 2013 – Relevant Extracts

#### Definitions

#### **‘Carrying on business as a scrap metal dealer’ (Section 21(2)-21(7) and 22(4))**

21(2) A person carries on business as a scrap metal dealer if the person –

- (a) Carries on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it was bought, or
- (b) Carries on business as a motor salvage operator (so far as that does not fall within paragraph (a)).

21(3) For the purposes of subsection (2)(a), a person who manufactures articles is not to be regarded as selling scrap metal if that person sells scrap metal only as a by-product of manufacturing articles or as surplus materials not required for manufacturing them.

21(4) For the purposes of subsection (2)(b), a person carries on business as a motor salvage operator if the person carries on a business which consists—

- (a) Wholly or partly in recovering salvageable parts from motor vehicles for re-use or sale and subsequently selling or otherwise disposing of the rest of the vehicle for scrap,
- (b) Wholly or mainly in buying written-off vehicles and subsequently repairing and reselling them,
- (c) Wholly or mainly in buying or selling motor vehicles which are to be the subject (whether immediately or on a subsequent re-sale) of any of the activities mentioned in paragraphs (a) and (b), or
- (d) Wholly or mainly in activities falling within paragraphs (b) and (c).

#### **‘Scrap metal dealer’ (S.21(5))**

21(5) “Scrap metal dealer” means a person who is for the time being carrying on business as a scrap metal dealer, whether or not authorised by a licence.

#### **‘Scrap metal’ (S.21(6)-21(7))**

21(6) “Scrap metal” includes—

- (a) Any old, waste or discarded metal or metallic material, and
- (b) Any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

21(7) But the following are not scrap metal—

- (a) Gold,
- (b) Silver, and
- (c) Any alloy of which 2 per cent or more by weight is attributable to gold or silver.

### **'Mobile collector' (S.22(4))**

22(4) 'Mobile collector' means a person who –

- (a) Carries on business as a scrap metal dealer otherwise than at a site; and
- (b) Regularly engages, in the course of that business, in collecting waste materials and old, broken, work out or defaced articles by means of visits from door to door.

### **Suitability (Sections 3(1)-3(2) and 3(4)-3(5))**

#### **Suitable person to hold a licence (individuals) (S.3(1)-3(2))**

- 3(1) A local authority must not issue or renew a scrap metal licence unless it is satisfied that the applicant is a suitable person to carry on business as a scrap metal dealer.
- 3(2) In determining whether the applicant is a suitable person, the authority may have regard to any information which it considers to be relevant, including in particular:
- (a) Whether the applicant or any site manager has been convicted of any relevant offence;
  - (b) Whether the applicant or any site manager has been the subject of any relevant enforcement action;
  - (c) Any previous refusal of an application for the issue or renewal of a scrap metal licence (and the reasons for the refusal);
  - (d) Any previous refusal of an application for a relevant environmental permit or registration (and the reasons for the refusal);
  - (e) Any previous revocation of a scrap metal licence (and the reasons for the revocation);
  - (f) Whether the applicant has demonstrated that there will be in place adequate procedures to ensure that the provisions of this Act are complied with.

#### **Suitable person to hold a licence (company) (S.3(4))**

- 3(4) In determining whether a company is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether any of the following is a suitable person:
- (a) Any director of the company;
  - (b) Any secretary of the company;
  - (c) Any shadow director of the company (that is to say, any person in accordance with whose directions or instructions the directors of the company are accustomed to act).

#### **Suitable person to hold a licence (partnership) (S.3(5))**

- 3(5) In determining whether a partnership is a suitable person to carry on business as a scrap metal dealer, a local authority is to have regard, in particular, to whether each of the partners is a suitable person.

## **Applications (Schedule 1 Section 2)**

### **Information to be provided with the application (Sch.1 S2)**

- 2(1) A licence is to be issued or renewed on an application, which must be accompanied by:
- (a) If the applicant is an individual, the full name, date of birth and usual place of residence of the applicant,
  - (b) If the applicant is a company, the name and registered number of the applicant and the address of the applicant's registered office,
  - (c) If the applicant is a partnership, the full name, date of birth and usual place of residence of each partner,
  - (d) Any proposed trading name,
  - (e) The telephone number and e-mail address (if any) of the applicant,
  - (f) The address of any site in the area of any other local authority at which the applicant carries on business as a scrap metal dealer or proposes to do so,
  - (g) Details of any relevant environmental permit or registration in relation to the applicant,
  - (h) Details of any other scrap metal licence issued (whether or not by the local authority) to the applicant within the period of 3 years ending with the date of the application,
  - (i) Details of the bank account which is proposed to be used in order to comply with section 12 (scrap metal not to be bought for cash etc), and
  - (j) Details of any conviction of the applicant for a relevant offence, or any relevant enforcement action taken against the applicant.
- 2(2) If the application relates to a site licence, it must also be accompanied by—
- (a) The address of each site proposed to be identified in the licence (or, in the case of an application to renew, of each site identified in the licence whose renewal is sought), and
  - (b) The full name, date of birth and usual place of residence of each individual proposed to be named in the licence as a site manager (other than the applicant).
- (3) If the application relates to a site licence, the references in sub-paragraph (1)(g), (h) and (j) to the applicant are to be read as including any individual proposed to be named in the licence as a site manager.

## **Records (Sections 13 – 15)**

### **Records: Receipt of metal (S13)**

- 13(1) This section applies if a scrap metal dealer receives any scrap metal in the course of the dealer's business.
- 13(2) The dealer must record the following information:
- (a) The description of the metal, including its type (or types if mixed), form, condition, weight and any marks identifying previous owners or other distinguishing features;
  - (b) The date and time of its receipt;
  - (c) If the metal is delivered in or on a vehicle, the registration mark (within the meaning of section 23 of the Vehicle Excise and Registration Act 1994) of the vehicle;

- (d) If the metal is received from a person, the full name and address of that person;
- (e) If the dealer pays for the metal, the full name of the person who makes the payment acting for the dealer.

13(3) If the dealer receives the metal from a person, the dealer must keep a copy of any document which the dealer uses to verify the name or address of that person.

13(4) If the dealer pays for the metal by cheque, the dealer must keep a copy of the cheque.

13(5) If the dealer pays for the metal by electronic transfer:

- (a) The dealer must keep the receipt identifying the transfer, or
- (b) If no receipt identifying the transfer was obtained, the dealer must record particulars identifying the transfer.

#### **Records: Disposal of metal (S.14)**

14(1) This section applies if a scrap metal dealer disposes of any scrap metal in the course of the dealer's business.

14(2) For these purposes metal is disposed of:

- (a) Whether or not it is in the same form in which it was received;
- (b) Whether or not the disposal is to another person;
- (c) Whether or not the metal is dispatched from a site.

14(3) Where the disposal is in the course of business under a site licence, the dealer must record the following information:

- (a) The description of the metal, including its type (or types if mixed), form and weight;
- (b) The date and time of its disposal;
- (c) If the disposal is to another person, the full name and address of that person;
- (d) If the dealer receives payment for the metal (whether by way of sale or exchange), the price or other consideration received.

14(4) Where the disposal is in the course of business under a collector's licence, the dealer must record the following information:

- (a) The date and time of the disposal;
- (b) If the disposal is to another person, the full name and address of that person.

#### **Records: Supplementary (S.15)**

15(1) The information mentioned in sections 13(2) and (5) and 14(3) and (4) must be recorded in a manner which allows the information and the scrap metal to which it relates to be readily identified by reference to each other.

15(2) The records mentioned in section 13(3) and (4) must be marked so as to identify the scrap metal to which they relate.

15(3) The dealer must keep the information and other records mentioned in sections 13(2) to (5) and 14(3) and (4) for a period of 3 years beginning with the day on which the metal is received or (as the case may be) disposed of.