



# Scrap Metal Dealers Act 2013

## 2013 CHAPTER 10

### *Conduct of business*

#### **10 Display of licence**

- (1) A scrap metal dealer who holds a site licence must display a copy of the licence at each site identified in the licence.
- (2) The copy must be displayed in a prominent place in an area accessible to the public.
- (3) A scrap metal dealer who holds a collector's licence must display a copy of the licence on any vehicle that is being used in the course of the dealer's business.
- (4) The copy must be displayed in a manner which enables it easily to be read by a person outside the vehicle.
- (5) A scrap metal dealer who fails to comply with this section is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **Commencement Information**

- I1** S. 10(1)-(4) in force at 1.10.2013 by S.I. 2013/1966, art. 3(i) (with art. 5(8))  
**I2** S. 10(5) in force at 1.12.2013 by S.I. 2013/1966, art. 4(d)

#### **11 Verification of supplier's identity**

- (1) A scrap metal dealer must not receive scrap metal from a person without verifying the person's full name and address.
- (2) That verification must be by reference to documents, data or other information obtained from a reliable and independent source.
- (3) The Secretary of State may prescribe in regulations—
  - (a) documents, data or other information which are sufficient for the purpose of subsection (2);

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- (b) documents, data or other information which are not sufficient for that purpose.
- (4) If a scrap metal dealer receives scrap metal in breach of subsection (1), each of the following is guilty of an offence—
  - (a) the scrap metal dealer;
  - (b) if the metal is received at a site, the site manager;
  - (c) any person who, under arrangements made by a person within paragraph (a) or (b), has responsibility for verifying the name and address.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under subsection (4) to prove that the person—
  - (a) made arrangements to ensure that the metal was not received in breach of subsection (1), and
  - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) A person who, on delivering scrap metal to a scrap metal dealer, gives a false name or false address is guilty of an offence and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

- I3** S. 11(1)-(3) in force at 1.10.2013 by S.I. 2013/1966, art. 3(j)
- I4** S. 11(4)-(7) in force at 1.12.2013 by S.I. 2013/1966, art. 4(e)

## 12 Offence of buying scrap metal for cash etc

- (1) A scrap metal dealer must not pay for scrap metal except—
  - (a) by a cheque which under section 81A of the Bills of Exchange Act 1882 is not transferable, or
  - (b) by an electronic transfer of funds (authorised by credit or debit card or otherwise).
- (2) The Secretary of State may by order amend subsection (1) to permit other methods of payment.
- (3) In this section paying includes paying in kind (with goods or services).
- (4) If a scrap metal dealer pays for scrap metal in breach of subsection (1), each of the following is guilty of an offence—
  - (a) the scrap metal dealer;
  - (b) if the payment is made at a site, the site manager;
  - (c) any person who makes the payment acting for the dealer.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person—
  - (a) made arrangements to ensure that the payment was not made in breach of subsection (1), and

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- (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Commencement Information**

**I5** [S. 12](#) in force at 1.10.2013 by [S.I. 2013/1966](#), [art. 3\(k\)](#)

### **13 Records: receipt of metal**

- (1) This section applies if a scrap metal dealer receives any scrap metal in the course of the dealer's business.
- (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.
- (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.
- (4) If the dealer pays for the metal by cheque, the dealer must keep a copy of the cheque.
- (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.

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**Commencement Information**

**I6** [S. 13](#) in force at 1.10.2013 by [S.I. 2013/1966](#), [art. 3\(l\)](#)

### **14 Records: disposal of metal**

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

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- (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.
- (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.

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**Commencement Information**

**I7** S. 14 in force at 1.10.2013 by S.I. 2013/1966, art. 3(m)

**15 Records: supplementary**

- (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.
- (2) The records mentioned in section 13(3) and (4) must be marked so as to identify the scrap metal to which they relate.
- (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.
- (4) If a scrap metal dealer fails to fulfil a requirement under section 13 or 14 or this section, each of the following is guilty of an offence—
  - (a) the scrap metal dealer;
  - (b) if the metal is received at or (as the case may be) despatched from a site, the site manager;
  - (c) any person who, under arrangements made by a person within paragraph (a) or (b), has responsibility for fulfilling the requirement.
- (5) It is a defence for a person within subsection (4)(a) or (b) who is charged with an offence under this section to prove that the person—
  - (a) made arrangements to ensure that the requirement was fulfilled, and
  - (b) took all reasonable steps to ensure that those arrangements were complied with.
- (6) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

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**Commencement Information**

**I8** S. 15(1)-(3) in force at 1.10.2013 by S.I. 2013/1966, art. 3(n)

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**19** S. 15(4)-(6) in force at 1.12.2013 by S.I. 2013/1966, art. 4(f)

**Changes to legislation:**

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Heading: Conduct of business.