

VEHICLES (CRIME) ACT 2001

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: Regulation of Motor Salvage Operators

Sections 1, 2, 3, 4, 5, 6 and 13: Registration

23. The intention of these sections is to require motor salvage operators to register with the local authority. A person, including a body corporate, who carries on a business as a motor salvage operator will be required to register with the local authority. Local authorities will be responsible for maintaining registers, which will contain details to be prescribed by regulation. Such details are likely to include the name of the person and the address of the premises where the business is conducted. Local authorities will determine the fee to be paid on application for registration. The fee must, however, be set only at a level which recovers reasonable costs of administering the registration scheme. Registration will lapse after three years, although it can be renewed.
24. The registration authority will have the discretion to decide whether a person is "fit and proper" to carry on business as a motor salvage operator. If it decides that a person is not "fit and proper", it can refuse or cancel registration. If registration is refused or cancelled on this ground, the local authority need not consider a further application for registration from the applicant for a period of three years.
25. A person is entitled to make representations to the local authority where that local authority is minded to refuse an application for registration or the renewal of a registration, or where the local authority is minded to cancel a registration. If the local authority proceeds with the refusal or cancellation, the person may appeal to the magistrates' court.

Sections 7 and 8: Keeping of Records etc.

26. Any registered motor salvage operator must maintain records to be specified in regulations. Such records will need to be kept for three years. Further, registered motor salvage operators will be obliged to notify the destruction of any vehicles to such persons as are specified (the main intended recipient of the notification being the DVLA).
27. A person who does not maintain the appropriate records, or notify as required, will be guilty of an offence and liable on summary conviction to a fine.

Sections 9, 10, 11 and 12: Supplementary Provisions and Offences

28. **Section 9** gives the police powers of entry to registered premises without warrant. For entry to unregistered premises, or entry to registered premises where entry has previously been refused, a warrant issued by a justice of the peace can be obtained to secure entry with the use of force if necessary.

*These notes refer to the Vehicles (Crime) Act 2001
(c.3) which received Royal Assent on 10 April 2001*

29. A police constable may inspect any motor vehicles or salvaged parts kept at the premises and inspect or copy any records which the motor salvage operator is required to keep.
30. **Section 10** makes it an offence knowingly or recklessly to supply materially false information in an application for registration as a salvage operator. It allows a higher penalty for such an offence where the offender has previously been refused registration or had his registration cancelled.
31. **Section 11** requires the person registered or applying to be registered to notify the local authority of any changes affecting the accuracy of information provided within 28 days of the changes occurring. Failure to do so will be an offence, although there is a due diligence defence.
32. **Section 12** makes it an offence for a person to give a false name or address when selling a motor vehicle to a registered motor salvage operator.

Sections 14, 15 and 16: General

33. **Section 14** provides for the police or local authorities to bring prosecutions. Prosecutions by anyone else must have the consent of the Attorney General. **Section 15** allows the Secretary of State to amend or repeal any private or local Act if it appears to conflict with this Act.
34. **Section 16** defines the terms used in this Part of the Act including what constitutes carrying on a business as a motor salvage operator in the area of a local authority and a motor salvage yard.